

PHYSICAL DEVELOPMENT MASTER PLAN **for the** **COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**



Volume I **INTRODUCTION** **AND** **IMPLEMENTATION**

Prepared for
OFFICE OF
TRANSITION STUDIES AND PLANNING

Prepared by
PACIFIC PLANNING AND DESIGN CONSULTANTS
Chalan Kanoa, Saipan
Tamuning, Guam

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PHYSICAL DEVELOPMENT MASTER PLAN
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Volume I

**INTRODUCTION
AND
IMPLEMENTATION**

Prepared for
Office of Transition Studies and Planning
Government of the Northern Mariana Islands

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by
Pacific Planning and Design Consultants
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February 27, 1978

Mr. Pedro A. Tenorio
Director
Office of Transition Studies & Planning
Northern Mariana Islands
Saipan, American Marianas 96950

Dear Mr. Tenorio:

It is with pleasure that Pacific Planning and Design Consultants forwards to you the "Physical Development Master Plans" for the Commonwealth of the Northern Mariana Islands. This final submittal has been prepared and refined based on numerous discussions and reviews by the staff of the Office of Transition Studies and Planning and by subsequent meetings with the newly elected government officials during January 1978.

The planning program as developed herein is presented in five volumes. Volume I includes the "Introduction and Implementation," Volumes II through V are the "Physical Development Master Plans" for Saipan, Tinian, Rota, and Pagan, respectively.

Previous planning documents were available for Saipan and Rota, and the planning effort suggests a careful revision and refinement of the earlier planning documents. Hence, the Saipan and Rota "Master Plans" reflect changing conditions and a more realistic attitude in developing a viable physical development plan within the constraints of finite resources. In the case of Tinian and Pagan, the plans are the first comprehensive "Physical Development Master Plans" ever prepared for these islands. In both instances the plans have been prepared with uncertainty as to future economic growth; however, in all four cases, the plans have been developed to be flexible and to meet changing conditions.

The plans concentrate on the activities and improvements envisioned during the short-range plan period, 1978-1985. They also provide directions to be pursued during the long-range planning period. The "Master Plans" have been developed with full understanding of the unique problems of the Northern Mariana Islands, its culture, and changing political climate. Implementation of the "Physical Development Master Plans" in close alliance with the implementation of the "Socioeconomic Development Plan" and the Government Reorganization Plan, "Agenda for the Commonwealth," should collectively provide the suitable keystone from which the Northern Mariana Islands can continue to grow economically and physically.

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Mr. Tenorio

Page Two

2/27/78

The "Physical Development Master Plans" prepared and submitted herein are more technical than most planning documents. We have avoided the preparation of elaborate plans which have little chance of being implemented. Necessary for the successful implementation of the "Master Plans" are zoning laws, subdivision regulations, and building codes. The understanding of governmental officials and citizens of the need for such programs is an issue which must be pursued in the continuing planning effort.

We wish for yourself, the entire staff of OTSP, Governor Carlos S. Camacho, and the newly elected officials of the Commonwealth the greatest success in realizing the goals set forth in this initial plan period. It is critical period in the development of the Commonwealth, and we are pleased that we have been able to assist the Northern Mariana Islands in this new challenge.

Pacific Planning and Design Consultants and its member firms, Juan C. Tenorio & Associates, Inc., M&E Pacific, Inc., and Thomas J. Davis, Inc., stand ready to assist the Commonwealth of the Northern Mariana Islands in the implementation of its development program.

Sincerely,

PACIFIC PLANNING AND DESIGN CONSULTANTS



JUAN C. TENORIO, P. E.
Project Manager

JCT/lg

FOREWORD

To prepare for Commonwealth government, the Office of Transition Studies and Planning (OTSP) was created to survey the cultural, social, governmental, and physical development needs of the Northern Mariana Islands, and to recommend broad directions and specific areas upon which the newly elected Commonwealth government should act. Two major documents have been finalized to date. The Socioeconomic Development Plan surveyed the natural, human, and economic resources in the Northern Mariana Islands; proposed goals and strategies for economic growth; and established funding targets for development in the following areas: agriculture; fishing; industrial park; tourism; health; education; homesteading programs; public safety; public utilities; transportation; and parks and recreation.

The second document entitled "Agenda for the Commonwealth, A Government plan for the Northern Mariana Islands" provides the necessary government structure and organization plan. This organization plan was developed to meet the requirements of the Covenant and the Constitution, facilitate efficient delivery of services, and allow the necessary flexibility in government to accommodate and implement the socioeconomic development plans and the physical development plans thereby assuring the efficient use of the Northern Mariana Islands' limited resources.

The Physical Development Master Plan for the Northern Mariana Islands translates the policies, objectives, and funding targets developed in the Socioeconomic Development Plan into specific capital improvement programs; it provides necessary regulatory zoning, subdivision, and building codes; and proposes implementation procedures. The Physical Development Master Plans are contained in five volumes. Volume 1 contains the

Introduction and proposed Legislative and Implementation procedures. Volumes 2 through 5 contain the Physical Development Master Plans for Saipan, Tinian, Rota, and Pagan, respectively.

As much as we intended to be dynamic in our planning efforts, changing conditions caused by subsequent external (federal or international) and internal (local politics) stimuli can not always be foreseen. Plans become quickly outdated and require reassessment and revision. Flexibility, therefore, must of necessity be built into the plan, and now a process of review, assessment, and revision must be implemented to further direct and shape the physical development of the Northern Mariana Islands.

ACKNOWLEDGMENTS

Pacific Planning & Design Consultants would like to take this opportunity to thank those persons without whose assistance the completion of the Physical Development Master Plans would have been impossible. In particular we would like to acknowledge the excellent assistance and support provided by the Office of Transition Studies and Planning under the leadership of Mr. Pedro A. Tenorio, Director, and Mr. Stephen A. Loftus, Deputy Director.

Our special appreciation and thanks must be given to Mr. Pedro Sasamoto, Assistant Director for Physical Planning, who has worked closely with our staff during the preparation of the plan and who has provided expertise, direction and cohesion to the physical planning effort. We would also like to thank Mr. Manuel A. Sablan, Assistant Director for Economics and Finance, and Mr. Pedro M. Atalig, Assistant Director for Public Administration and Government Organization, for their cooperation and assistance. The secretarial and clerical staff of the Office of Transition Studies and Planning must also be commended for their cooperation and assistance.

We must also acknowledge the assistance of Mr. Thomas Sheehan, former Northern Marianas Government District Planner, who has cooperated with and provided us with his knowledge and expertise of planning garnered from twelve years experience of living and working in the Northern Mariana Islands.

Pacific Planning and Design Consultants would like to extend our thanks and appreciation to those persons in Government Service who have assisted us in our endeavor. Mr. Antonio Tenorio, Mr. David Atalig and Mr. John Pangelinan from the Department of Public Works; Mr. Lester Weaver and Mr. Edward Dela Cruz, Department of Agriculture; and Mr. Ponciano Rasa

and Mr. Ellsworth Young from the Department of Land Management. Numerous other persons within the Trust Territory and Northern Marianas Governments should be recognized for their assistance and cooperation and to avoid an unwieldy list we can only give passing and incomplete recognition to the many Government officials who have assisted us during the preceding months.

Finally we would like to express our appreciation to Mr. James Leonard, Dr. Irving Swerdlow and Roger Manring of Robert R. Nathan and Associates and to Howard Mantel and Stephen Calvert from the Institute of Public Administration for their assistance and cooperation in making the Transition Studies a unified planning effort.

CONTRIBUTORS

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Part I

INTRODUCTION

INTRODUCTION

The Physical Development Master Plan for the Northern Mariana Islands has been prepared by Pacific Planning and Design Consultants in accordance with a contract awarded to the firm by the Office of Transition Studies and Planning. The Office of Transition Studies and Planning was created by the U.S./NMI Joint Commission on Transition. Its purpose was to conduct necessary and relevant studies which would enable the Northern Mariana Islands to prepare for constitutional government. Specific plan areas included Socioeconomic, Physical, and Governmental organization planning.

Previous Physical Planning Efforts

Planning has been a modest function in THE Trust Territory and Northern Mariana Islands in the last decade. In the late 1960's, a planning office was created in the Trust Territory Government and given responsibility for planning in the Districts. The office was staffed with three Assistant Planners, one of whom was responsible for Truk and the Northern Mariana Islands. A comprehensive land planning act enacted by the Congress of Micronesia for the Trust Territory effective April 1972 (P.L. 4C-76, 51 TAA, Ch. 1) authorized one or more planning commissions within "... each administrative district of the Trust Territory... through the enactment of appropriate legislation providing for such commission or commissions by the district legislature." Master plan areas were also authorized, and the district planning commissions could prepare a master plan for adoption by the district legislature.

In 1968, a master plan for Saipan was prepared, and although not officially adopted by the government, it was utilized as a guide for decisions within the public sector. It provided guidelines for land use planning, zoning, subdivision, building, and housing codes: however, these model codes were never adopted.

In 1972, a master plan for Rota was prepared which not only included land use plans but also developed preliminary plans for major utilities such as water, sewer, and transportation facilities including roads, airports, and docks.

In both instances the most important factor hindering the development and implementation of the plans was that the plans were developed with little concern for the cost of financing and implementing the proposed projects . Necessary revenues to realize the plans were seldom available.

One of the principal objectives of the OTSP planning effort was to develop a viable physical development master plan which would meet specific funding constraints.

The Physical Development Master Plan for the Northern Mariana Islands translates the policies, objectives and funding targets developed in the Socioeconomic Development Plan into specific capital improvement projects and proposed schedules for improvements. The Capital Improvement Projects (CIPs) proposed in the respective Physical Development Master Plans embrace the planning period from January 9, 1978 to September 30th 1985. Specific projects are recommended and cost data estimated. All cost data are quoted in "constant" 1977 dollar so as to be in agreement with the Socioeconomic Development Plan.

Although the capital improvements programs are specified only for the 1978 to 1985 plan period, the plan must be viewed with respect to a longer planning period. Many projects proposed include only initial phases, but with anticipation of subsequent development in later plan periods.

Objectives of the Plans

Basic guidelines directing the preparation of the Physical Development Master Plans were provided by the Office of Transition Studies and Planning. Although the specific wording varies slightly from plan to plan, the general objectives were to:

1. Evolve a viable Physical Development Master Plan for the Northern Mariana Islands to provide an adequate framework for accommodating the socioeconomic and political changes facing the island communities.
2. Recognize natural environmental constraints such as slopes, soils, and water in the location and development of growth areas and preserve to the maximum extent possible the scenic and natural character of the islands.
3. Provide for the orderly growth of the community by coordinating urban growth and economic development with the timely provision of roads, utilities, harbors and other Capital Improvement Projects.
4. Prepare a Capital Improvements Program for the next seven year plan period (1978-1985) based upon the physical development master plans proposed for each island.
5. Promote and provide for the increasing economic independence of the Northern Mariana Islands.

Plan Format

The Physical Development Master Plans for the Northern Mariana Islands has been prepared in five separate volumes. They include:

- Volume I INTRODUCTION & IMPLEMENTATION
- Volume II SAIPAN
- Volume III TINIAN
- Volume IV ROTA
- Volume V PAGAN

Volume I - Introduction and Implementation. The Introduction and implementation volume is divided into two parts.

Part I - Sets the planning environment, indicates the significant planning factors, and discusses the roles of planning in the implementation of the Physical Development Master Plans.

Part II - Proposes the legislation and regulatory codes that will be necessary for effective plan implementation. Zoning, subdivision and building codes are foreseen as necessary regulatory procedures to be established. The establishment of a Planning Commission is also being viewed as an important step in the development of an effective land use plan for the Northern Mariana Islands.

Volumes II-V are the Physical Development Master Plans for Saipan, Tinian, Rota, and Pagan, respectively. Each has been developed in a similar format and includes:

- * Foreword - Summary highlights of each island's Physical Development Master plan are included in the Foreword.
- * Background Chapter - This chapter sets the stage for planning and includes discussion of the Goals and Objectives, Natural Setting for Planning Socio-Demographic Considerations and Land Management Factors.
- * Land Use Chapter - This chapter generally includes the Purpose and Objectives, Proposed Land Uses, and a discussion of the land use zones.
- * Public Facilities Chapter - As a minimum this chapter includes discussions of and plan for the Civic Centers, Health, Education, Parks and Recreation, and Public Safety Facilities. It also includes information on proposed Housing Programs and planned improvements for Agriculture.
- * Public Utilities Chapter - This chapter discusses Water Resources and Distribution, Sanitary Sewerage, Power, Solid Waste, and where applicable Drainage and Communications.
- * Transportation Chapter - This chapter includes discussions and plans for improvements of Airport facilities, Harbors and Docks, and Highways.

SIGNIFICANT PLANNING FACTORS

SIGNIFICANT PLANNING FACTORS

INTRODUCTION

The Mariana Islands including Guam constitute a chain of 17 islands (three of which form the island of Maug) extending over a north-south arc of about 400 miles. The Commonwealth of the Northern Mariana Islands includes all those islands within the chain with the exception of Guam. Total land area of the Northern Mariana Islands is approximately 183.5 square miles (See Table 1). The Mariana Islands lie approximately 3,720 miles west of Hawaii. The larger continental island groups of Japan, Ryukyus, Philippines, and New Guinea lie between 1000 and 1500 miles west of the Marianas in a north to south arc (See Figure 1).

Each island of the Northern Marianas Commonwealth is unique. Each comprises an individual community with unique values, problems and opportunities. Throughout the planning process, however, certain considerations form a core from which specific issues and problems are analyzed. Population, land, and water serve to establish magnitudes to finite resources and must be carefully considered in the planning efforts. Land - totalling less than 184 square miles - is spread thinly across thousands of square miles of ocean. Water is abundant. Yet for the Marianas, the enigma of scarcity amidst apparent abundance constantly challenges planners and the planning process.

Yet nature alone plays but a part in setting planning perspectives. Man and his needs complete the set of constraints and restraints which defines the total planning environment. Furthermore, societal needs for travel and trade have significant impact on planning for transportation in these distant, relatively isolated places. Yet the location of the islands bring opportunities and challenges besides posing access problems.

TABLE 1
AREAS OF THE MARIANA ISLANDS^{1/}

<u>Island Name</u>	<u>No. of Islands</u>	<u>Square Miles (Statute)</u>
Northern Mariana Islands:		
Farallon de Pajaros (Uracas)	1	0.8
Maug Islands	3	0.8
Asuncion	1	2.8
Agrihan	1	18.3
Pagan ^{2/}	1	18.4
Alamagan	1	4.4
Guguan	1	1.6
Sarigan	1	1.9
Anatahan	<u>1</u>	<u>12.5</u>
Total	11	61.5
Southern Mariana Islands:		
Farallon de Medinilla	1	0.4
Saipan	3	46.6
Tinian	1	39.3
Aguijan	2	2.8
Rota	3	32.9
Guam	<u>7</u>	<u>215.5</u>
Total	17	337.5
<hr/>		
TOTAL ALL MARIANA ISLANDS	28	399.0
TOTAL NORTHERN MARIANA ISLANDS	21	183.5

^{1/} Data for all islands except Pagan adapted from Bryan, E. H., 1946. Bryan's figures may be high.

^{2/} Bryan, 1946, gives 18.65 square miles for the area of Pagan. Measurements on AMS series W843, sheets II NW and SW, scale 1:25,000 give 18.43 square miles.

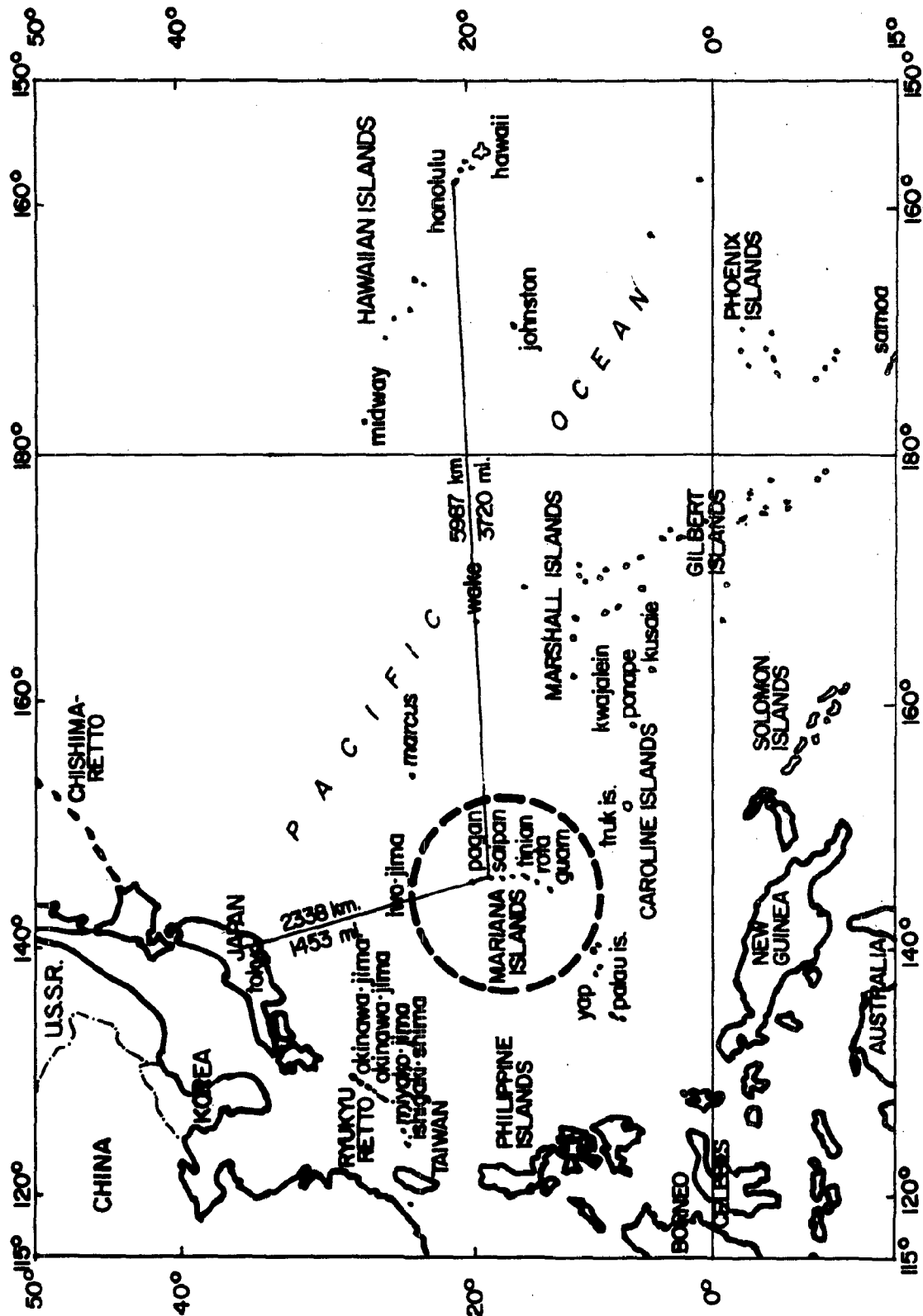


Figure 1 Location Map

The pleasant climate and sheer beauty of the islands have brought international tourism. Future development opportunities include commercial fisheries, petroleum storage areas, and U.S. military base development on Tinian. Development of these potentials may involve several countries. The challenge will be not only to survive these pressures and interests, but to direct and manage them for the benefit of the peoples of the Northern Mariana Islands.

The anticipated population increases and economic growth will demand additional government services. There will be a need to provide for expanded medical care, larger or new schools to meet expanding populations of school age children, and additional recreational facilities. Land, either from the private sector or from the public domain, will be necessary to accommodate future housing needs. Demands on public utilities will increase. Potable water supply will be a most critical issue and is discussed further below; power generation and distribution are necessary to accommodate an expanding and diversifying economy. Sanitation facilities including wastewater treatment plants and sanitary landfills that minimize potential pollution to the groundwater resources need to be emphasized in the planning process. Communication and transportation inter- and intra-island must be improved. These are but a few areas where planning is necessary to guide some of the significant factors affecting comprehensive physical development planning for the Northern Marianas. They are discussed in general terms herein. More detailed discussions have been developed in the Physical Development Master Plans for the respective islands.

POPULATION

The 1978 Northern Marianas resident population estimated at 16,500 is projected to exceed 22,000 by 1985 and 32,000 by 1995. Two components, Micronesian and non-Micronesian, of this population have significantly different characteristics, and are affected by different factors. The Micronesian population is the largest component and is expected to grow rather steadily at an annual growth rate of about 4%. Its proportion of the total population may continue to gradually decline. However, the absolute number of Micronesians is expected to exceed 18,300 by 1985 and 26,000 by 1995. See Table 2.

The non-Micronesian component consists of U.S. expatriates, alien laborers, and foreign business personnel. In 1978 the estimated non-Micronesian population was 2,300. The growth rate of this group is much more volatile than the large Micronesian segment; it will depend on the rate and nature of economic development which will occur. Where these people settle in the Northern Marianas will likewise affect individual island population. The relocation or the phasing out of the Trust Territory Headquarters in Saipan will most assuredly reduce the non-Micronesian population in 1981. However, recent socio-economic projections suggested that the resident population of non-Micronesian will exceed 3,800 by 1985.

Tourists comprise a third component of the population which must be considered in our planning. Although transients, these people are the tasters, samplers, and advertisers of the islands' beauty and culture. They will require services, but will bring more than enough benefits to offset the demands which they place on services. Meeting their needs forms an important part of the islands' economy. The average number of tourists in 1985 is expected to exceed 1,800 persons daily.

TABLE 2

CIVILIAN POPULATION PROJECTIONS 1973-1995*
 (Commonwealth of the Northern Mariana Islands)

	Micronesian	Non-Micronesian	Total
1973	12,581	1,643	14,224
1978	14,802	2,300	17,102
1983	16,986	2,800**	19,786
1985	18,314	3,800	22,114
1990	21,962	5,396	27,358
1995	26,337	6,471	32,808

* The project assumes no major build up of Military personnel during the plan period.

** The 1983 non-Micronesian population is projected to be low due to relocation of TT Headquarters by 1981

Population projections beyond 1985 have not previously been made. For our planning purposes, using the 1985 population as a base and an average growth rate of 3.7%, (growth rate of 1978 to 1985 period) our projection suggests that the population will exceed 32,000 by 1995.

ECONOMY

Tourism and agriculture will remain the significant economic factors in the future development of the Commonwealth. The construction industry is also anticipated to increase manifold during the plan period. A more limited role is projected for manufacturing and services and trade. Two areas for which the economic impact is uncertain are in military activities and future growth in commercial fisheries.

Visitor Industry-Tourism

The visitor industry, and particularly tourism, will remain the leading industry for development in the Northern Mariana Islands during the period FY 1978-85. This leading role for the industry is a logical one for several reasons:

- * Tourism is presently the largest earner of income from overseas and the most important export activity.
- * Tourism can be built easily on the resource base of the islands which includes, a tropical climate, historic sites, and beautiful unspoiled beaches.
- * Tourism can attract and absorb foreign private investment capital and provide stimulus to local private sector development.

Today there are approximately 880 hotel rooms in the Northern Mariana Islands. There are presently six (6) first class hotels on Saipan with approximately 780 rooms. Rota presently has 81 rooms and Tinian 18.

By 1985, it is estimated that 200,000 persons will visit the Northern Mariana Islands annually, a four fold increase over the existing numbers. This increase in tourism will require the construction of as many as 540 additional hotel rooms to accommodate an anticipated 1,800 visitors per day.

Agriculture

While no longer the foundation of all economic activity in the Northern Marianas, agriculture continues to be the primary occupation for a significant number of individuals, and supplements to a surprisingly large degree the incomes and daily diet of many families. Agriculture will continue to be an important component of economic growth in the Northern Marianas.

Land area currently under regular cultivation in the Northern Mariana Islands is estimated to be about 600 acres. About 22,000 acres are in pasture or grazing land supporting a herd estimated to be in excess of 7,000 heads. During the short range plan period, 1978 to 1985, croplands are projected to double. Cattle and small livestock development, goats, and pigs and poultry are expected to increase significantly.

Services and Trade

Several factors will stimulate the expansion of trade and commerce in the Northern Mariana Islands between FY 1978 and FY 1985. The visitor industry will be expanding vigorously. Tourist related enterprises, such as restaurants, tourist agencies, sightseeing buses, sport fishing, car rentals, and

souvenir shops are supported by tourist expenditures, while almost all kinds of wholesale and retail enterprises benefit by the expenditures of workers employed in the tourist-related enterprises.

Construction, and construction expenditures to support services and trade, will also increase sharply over previous levels. Not only will the construction of hotel and tourist related facilities increase, but the level of government construction will more than double, and home construction is expected to continue its vigorous expansion.

LAND AND LAND USE CHARACTERISTICS

Total land area in the Northern Mariana Islands is estimated to be 183.5 square miles (See Table 1). Saipan, Tinian and Rota, the islands with the largest populations, constitute approximately 119 square miles (117,440 acres). The remaining 13 islands comprise 73 square miles. Based on virtually any criteria, land is a precious commodity.

Much less than the 184 square miles of total land area is suited for urban development. Large areas of Saipan, Rota and Tinian remain undevelopable due to the limitations posed by geology, soils and slope. The northern islands of Guguan, Pagan, Agrihan, Asuncion, and Farallon de Pajaros are either active volcanoes now or have been active during the recent past. Anatahan and Aguijan are difficult to even reach.

Subsistence farming and grazing are principal elements of the local lifestyle. Yet on the larger islands, these uses must compete for lands under growing pressure to convert agricultural lands to urban uses. The rapidly rising land values in these areas will have a significant impact on the ultimate

fate of agricultural lands. Without an orderly development pattern, adequate infrastructure will be virtually impossible to provide, and agricultural development will be impossible.

Land Management and Ownership

Changes from Spanish, to German, to Japanese and finally to American land law systems have created an extremely complex and often contradictory set of land records. Numerous conflicts and confusion regarding property ownership remain to this day. Under German and Japanese regimes, the government took over all land not enclosed and cultivated, which prevented the accumulation of large private estates. Today, most of the 14,000 acres privately owned in the Northern Mariana Islands are on Saipan.

Land possession and land ownership occupy an important place in the culture and value systems of the people of the Northern Mariana Islands. This is closely tied with family solidarity and a sense of group responsibility and participation. It is often considered a solemn duty to retain land within the family, especially among those of Carolinian heritage. People are reluctant to sell land, and the desire to own land has resulted in a relatively high market valuation of land, probably much higher than any capitalization of future income. On the other hand, some segments of the Chamorro populace are generally tending to view land as an economic commodity, to buy and sell in the market place for monetary gain. Private ownership facilitates rapid turnover of property.

Homesteading

The Commonwealth Constitution requires that the Public Land Corporation continue to make public lands available for a homestead program. An eligible person may have only one

village and one agricultural homestead. A homestead must be held for at least three years for a person to receive freehold interest, and must further be held for ten years before the homestead may be transferred.

The benefits of a homestead program are appealing. Citizens without land or homes are able to secure unimproved public land which becomes the basis of a home or subsistence farm. The land owners then control a valuable asset which permits them to enter the credit market to obtain monetary and technological resources with which to improve their productivity. The owner, in turn, can build a better home, establish greater family security, and contribute productively to the local economy.

The Village Homestead program appears to be effectively achieving this pattern, but the success of the Agricultural Homestead program has been questioned. Inadequate enforcement of the requirement that the homestead be agriculturally developed within three years has encouraged some to hold homestead land for subdivision or speculation rather than for a permanent home and farm for the family.

As the homestead programs continue, it will become increasingly important for government officials to be aware of the many public costs of this program. The first and most obvious cost is the transfer of public land to private ownership. Some of these lands presently in public ownership are needed for parks, recreation areas, and to preserve and protect groundwater resources or the islands' natural beauty. Great care and consideration must be exercised to develop plans for distributing public lands. Subsequent costs of infrastructure development and for the extension of public services to new areas must also be considered during the planning process.

WATER

Perhaps the most critical utility that needs improvement during the plan period is the water distribution system. Approximately 80 inches of rain fall per year on islands of the Northern Marianas. This is well over twice the amount falling on most parts of the mainland. Yet, chronic problems of adequate supply and quality plague the islands. Rainfall does not occur uniformly throughout the year. Heaviest rainfall occurs from July through October. The ratio between the driest and wettest months of the year is approximately one (1) to five (5). This irregular water supply is aggravated by lack of surface reservoir facilities. Most water is obtained from basal and high level groundwater sources. Most of Saipan, Tinian, and Rota - the most populated islands - are covered by highly permeable limestones. Rainfall infiltrates vertically to these aquifers, from which it slowly drains to the sea. Although storage potential in the aquifer is considerable, there remains a large difference between dry-season and rainy-season yields.

Basal groundwater is the primary source of water. Although the total resource is large, the fragile fresh-water seawater equilibrium characteristic of this resource is easily disrupted under the stresses caused by pumping. Frequently, high salinity water is driven into the fresh water core near the pump sources. It takes only a small mixture of sea water to turn fresh water brackish; one part sea water in 80 parts fresh water yields a mix containing 250 milligrams per liter of chloride, the upper limit for drinking water.

This problem has already become one of concern for the Saipan water system, where water obtained from basal pumping in the south exceeds tolerable limits for potable water. Mixing with parabasal water found in the north, although possible,

is beginning to appear less practical because of the unexpectedly high salinity of the basal water. Use of individual cisterns, already a common practice on Saipan, may have to be developed further in order to supply mixing water or domestic water for cooking and drinking.

As island populations increase and their economy develops, the need for sufficient quantities of water of adequate quality will become paramount. It is important that the present land use plan protect existing and potential areas for groundwater development. The water storage and distribution facilities need to be upgraded and expanded to accommodate the future population.

TRANSPORTATION

Besides being separated from each other, the Northern Mariana Islands are isolated from the rest of the world. Guam, the nearest neighbor 44 miles south of Rota, is only 200 square miles in size. The nearest large continental island groups - Japan, Ryukyus, Philippines, and New Guinea are all 1,000 to 1,500 miles to the west, northwest, and southwest.

This isolation directly affects the cost of living, which is high compared to the U.S. mainland. Most manufactured goods and perishable foods are imported, and high shipping costs must be included in the cost of goods. This type of isolation inhibits incremental involvement of new business ventures. Entrepreneurs are reluctant to try ventures of a marginal nature because gradual commitment is often not possible. Relatively large investments are required for most ventures, which increases both the risk and the cost of failure.

Airports and harbors therefore command greater attention than many other areas. Because of small population and uncertain economic basis, port facilities operations have for some time

been marginal. Recently, however, considerable emphasis has been placed on improvement of airport facilities, and additional emphasis is forthcoming. Charges are high both for international travel and local inter-island services.

Harbor facilities require massive attention and investment. Severe storm damage and deterioration of facilities have made possible only marginal port operations. This situation must be rectified in order to facilitate expected growth.

Intra-island transportation utilizes the remnants of pre-war and post-war occupation roads. Saipan and Tinian have more than enough roadway mileage but must struggle to meet maintenance requirements. Rota and Pagan have need for new or improved roads in order to support or guide development. All islands require extensive improvements to local village streets. For all islands, the automobile is the sole mode of travel, making the entire population particularly vulnerable during these times of oil diplomacy and political manipulation of petroleum supplies.

High costs of private auto travel will demand a big piece of the income of the people. The planning process should be particularly sensitive to the advantages of alternative means of intra-island transportation.

FEDERAL CONSTRAINTS

Several contingent requirements associated with grants and programs of the federal government will affect the choices and options available to the Northern Mariana Islands. The Federal Highway Administration (FHWA) will probably provide 80% funding for the development of primary and secondary roads. Concurrently, however, FHWA requires that certain planning actions be undertaken.

The Federal Housing Administration provides both direct loans and grants for housing, and underwrites housing loans made by banks. However, it will be necessary to adhere to Federal Minimum Property Standards which specifies minimum room sizes, types of construction, setbacks and sideyards, and other criteria. Virtually, every type of federal assistance will, in some way, constrict or affect the emphasis of assisted programs.

Federal policy on use of the sea within the 200 mile economic zone provides for regulation of exploitive activities such as fishing for purposes of resource conservation. This policy falls far short of the commonly-held feeling among local government officials that resources within the 200 mile economic zone belong to the people of the islands. Consequently, exploitive activities such as fishing are considered by some to be legitimate sources of outside revenue payable to the local government and through assessments or taxes to be levied on the amount of catch. Development and resolution of issues such as this will eventually affect the rate and nature of harbor and related fishing industry improvements.

The strategic location of the Northern Mariana Islands makes it especially sensitive to world and national events. The United States Department of Defense and Department of State have recognized this by providing for the lease of 2/3 of Tinian island for possible development of a military facility. Should this development occur, dramatic effects would be felt on both Tinian and Saipan. Initial construction activities would last for several years which alone would affect the economy and life style of the local community. Subsequent permanent military activities would continue to have heavy influence, not unlike the Guam situation.

PLANNING AND IMPLEMENTATION

PLANNING AND IMPLEMENTATION

INTRODUCTION

The preparation of a physical master plan and the adoption of zoning laws, building codes, and subdivision regulations serve little useful purpose unless the Government is provided with the mechanism and capability to enforce them. This chapter addresses the integrated administrative and enforcement requirements of a sound planning program involving the Executive, Legislative and Judicial Branches of Government, as well as the constitutionally created Public Land Corporation. This chapter also addresses the role of future planning in the continued physical development of the Northern Mariana Islands.

Planning has been a modest function in the Trust Territory and the Northern Mariana Islands in the last decade. In the late 1960's, a planning office was created in the Trust Territory Government and given responsibility for planning in the Districts. The office was staffed with three Assistant Planners, one of whom was responsible for Truk and the Northern Mariana Islands. A comprehensive land planning act enacted by the Congress of Micronesia for the Trust Territory effective April 1972 (P.L. 4C-76, 51 TAA, Ch.1) authorized one or more planning commissions within "... each administrative district of the Trust Territory... through the enactment of appropriate legislation providing for such commission or commissions by the district legislature." Master Plan areas were also authorized, and the district planning commissions could prepare a master plan for adoption by the district legislature.

Previous planning efforts for the Northern Marianas District culminated in the preparation in 1968 of a Master Plan for Saipan. Although the plan was never formally adopted by the Government, it was utilized as a guide for decisions within

the public sector. Unfortunately, the plan was generally disregarded by the private sector. It provided guidelines for the implementation of zoning, subdivision, building and housing codes, and included model codes which were prepared for the entire Trust Territory, but these were never adopted.

A Master Plan for Rota was also prepared in 1972 and a Planning Commission was appointed and will continue to function until such time as the adoption of the governmental reorganization plan.

There has never been a master plan prepared for the island of Tinian. However, the District Planning Office prepared a background report on the physical factors affecting development, but the report did not address the impending impacts of military activity. Future planning efforts for Tinian must be fully cognizant of this factor.

PLANNING ENVIRONMENT

The present situation in the NMI regarding physical planning is an interesting paradox. On the one hand, Saipan has suffered from a lack of effective planning with resulting incompatible land uses; the loss of scenic lands valuable for public use and enjoyment; the construction of substandard, unsafe houses; and the growth of urban areas with little concern given to proper and adequate public service facilities. This is not to say that planning in the Northern Mariana Islands has been non-existent. A district planning office for the Northern Marianas was established in early 1970 under the District Administrator. However, staff support for this office has been minimal and funds have been insufficient to meet the multifold planning requirements.

On the other hand, despite the lack of effective planning and land use controls, the opportunity to develop a viable plan-

ning program with necessary land use controls during the transition from a Trust Territory to Commonwealth status remained available.

The Northern Mariana Islands are about to embark upon an irreversible development process. Population is anticipated to almost double during the next decade. Capital improvement expenditures are expected to increase manifold. Expanded tourism will place greater pressure on the island's natural resources. Both the private and government sectors seem keenly aware of the need to develop an entirely new planning approach tailored to the needs of the Commonwealth and without the encumbrances of age-old government constraints.

Constitutional Factors Affecting Planning

Several factors embodied in Articles XI, XII, XIII and XIV of the Constitution of the Commonwealth of the Northern Mariana Islands are highly relevant to any planning proposals for the Commonwealth.

The first and most important constitutional provision regarding land use planning is the creation of the Marianas Public Land Corporation (PLC) - a legal entity mandated with the responsibility over the control and disposition of public lands. This body which will consist of nine Directors, appointed by the Governor with the advice and consent of the Senate, must follow the fundamental policies set by the Constitution in which it is awarded great freedom from legislative and executive control. Some of the more important mandates governing the PLC include:

- * The Corporation must provide for village and agricultural homesteads; however, any disposition, freehold or leasehold, of land parcels bigger than five (5) hectares for any use other than homestead or residential requires the approval of the Legislature.
- * The Corporation is required to prepare a comprehensive land use plan for all the public lands.

- * The Corporation shall not transfer a freehold interest in any public land, other than homestead, for a period of ten years. After this period, the corporation could abandon this policy and the only way to stop a disposition of public land transfer of freehold interest would be by constitutional amendment or dissolution of the Corporation by the Legislature.
- * The Constitution furthermore prohibits the Corporation to transfer any interest in public lands within 150 feet of the high water mark of any sandy beach within the Commonwealth and further instructs the Corporation to maintain the public sandy beaches for use by the people of the Commonwealth, which includes the provision of sufficient public access.
- * The Public Land Corporation will be financially independent of the legislature; it is permitted to retain a portion of the funds derived from the lease of public land.

It is estimated that as much as 50% of Saipan's land area and more of Tinian and Rota remain in the public domain. The responsibilities of the Public Land Corporation to properly manage these public lands will be substantial.

Other constitutional provisions may also have a bearing on future land uses in the Northern Mariana Islands. Article XII, for example, prohibits acquisition and long term leasing (over 40 years) of property in the Northern Mariana Islands to anyone other than persons of Northern Mariana Islands descent, as defined therein. This provision was established in order to avoid the problem of financially powerful foreign investors threatening the take over of the islands land resources due to their relatively favorable economic status.

Other provisions call for protection of marine resources, the preservation of uninhabited islands for cultural and recreational purposes (Managaha, for example) and as sanctuaries for wildlife and plants (Sarigan and Maug). The legislature may not change this permanent status extended to Managaha and Maug. The Constitution further provides for the protection

of historic places and sites of importance which perpetuate the culture and traditions of the people of the Northern Mariana Islands.

It is mandatory that a carefully developed and well coordinated land use planning process become an important factor in decisions affecting public and private lands. For example, it may be necessary to acquire private land possessing a high public use value either outright or by exchange for another parcel now in public hands. The use of public lands to develop village or agricultural homesteads in desirable areas will certainly require that plans are compatible with adjacent private lands.

Centralized versus Departmentalized Planning

Although there is a need to coordinate planning efforts through the Planning and Budget Office, there is also need to keep planning functions in those departments and line agencies responsible for providing services. Thus this plan recommends that certain physical planning functions be the responsibility of the Planning and Budget Office.

- * It is recommended that the Planning and Budget Office be established in the executive branch of the Commonwealth government to coordinate all Commonwealth planning efforts and that it have "A95" review authority.
- * It is recommended that the Planning and Budget Office be responsible for master plan activities, urban land-use plans and zoning, and developmental matters that are not principal foci of agency planning operations, and finally
- * It is recommended that all capital improvement and major program plans proposed by line agencies be reviewed by the Planning and Budget Office to assure conformity with the overall development of master plans. Agencies responsible for preparing transportation or utility master plans should do so in complete cooperation with the Planning and Budget Office.

More specific functions are addressed in the "Agenda for the Commonwealth," which also recommends that planning units be established in each principal operating agency. The Departments of Health, Public Works, Emergency Services, Natural Resources, and Education would all establish small planning offices to develop various master plan elements to be completed in cooperation with the Planning and Budget Office.

The Planning and Budget Office will have neither the time nor the expertise to develop the detailed master plans, but should be responsible for making certain that plans meet the overall goals and objectives developed in the Socioeconomic Development Plan and the Physical Development Master Plans. The detailed master plans such as required for a Solid Waste Management Program, Highway Transportation Planning, Coastal Zone Management, and Health Services will be more appropriately prepared at the department or agency level.

PLANNING FUNCTIONS OR ROLES

Successful planning will depend upon a finely balanced process involving not only the executive and legislative branches of the NMI Government, but several quasi-judicial responsibilities as well. The process demands the input of qualified professionals in the planning field, elected representatives, and the citizens themselves. Finally, simple but effective laws are key elements in the process, without which, the effort will be merely an academic exercise.

The physical plan recognizes these factors and appropriately provides land use recommendations for both the public and private sectors. It is strongly recommended that the PLC adopt and utilize the physical planning recommendations to guide the formulation of public lands disposition policies.

Prior to the implementation of the plan, the Socioeconomic Development Plan and the Physical Development Master Plans prepared under the direction of the Office of Transition Studies and Planning (OTSP) must be sent to the newly elected Governor and the Commonwealth Legislature for review. The new administration should review the plans, make necessary revisions and then adopt the plans in whole or in part. It is assumed that once the Governor is elected, a Planning and Budget Office will be created within the Governor's office, and the Public Land Corporation (PLC) will be established.

This Physical Development Master Plan, which encompasses private as well as public lands, integrates Capital Improvement expenditures proposed in the OTSP Socioeconomic Development Plan with the phased construction of public utilities - a strategy which provides for rational management of future growth. A disregard of this planning function will disrupt orderly growth of and infrastructure development in private lands. It could also jeopardize the protection of natural resources.

To be sure, coordination of planning efforts between the PLC and the Executive Branch will be required by federal programs such as Coastal Zone Management (CZM) and Housing and Urban Development (HUD) 701 funds that require establishment of an overall planning program as a condition to the use of federal planning funds. The following sections discuss the proposed roles to be played by the principal agencies or departments of the government that are either mandated by the constitution or are suggested in the government organization scheme to be involved in land use planning.

Planning and Budget Office

It is recommended that the Planning and Budget Office be located within the executive office of the Governor. Many factors support this concept. Traditional governmental organizations

in the United States locates the planning office as a line agency, in theory at the same level as public works, health, parks and recreation, water and sewer, finance, and others. In reality, however, the low budget demands of the planning office (no capital improvements monies, just staff support and accessories) puts it at a disadvantage with other government agencies which yield authority based on the magnitude of their operating budgets. This practice results in planning and urban growth management decisions being dictated by operational practices and problems. As part of the executive office, the Planning and Budget Director will be able to directly advise the Governor and Legislature on matters of land use planning, control and master plan implementation.

Public Land Corporation

The powers of the Public Land Corporation which have been spelled out previously will be partially repeated herein to emphasize a point crucial to the successful implementation of the Plan. Although the Directors of the PLC are appointed by the Governor, it is neither responsible to the Governor, the Legislature, or the Planning and Budget Director - except, as specified in the Constitution, when a land transfer involves more than five hectares. The PLC is not required by Law to comply with zoning imposed by the Legislature and, furthermore, does not have to even be consistent with legislative zoning of private lands adjacent to public lands. It is important that the Planning and Budget Director and the Public Land Corporation closely coordinate their efforts on land-related matters. In order to facilitate this coordination it is suggested that a Planning Commission be created.

As mentioned previously, the Public Land Corporation will be required to prepare a master plan for public lands. The alternatives available to the Public Land Corporation include:

- 1) Adoption of the Physical Development Master Plan prepared by the Office of Transition Studies and Planning.
- 2) Adoption of portions of the OTSP plan with amendments or revisions.
- 3) The development of a completely independent plan with controls and regulations differing substantially from those proposed through OTSP.

It cannot be over-emphasized that one of the most important factors in promoting the successful adoption and implementation of the Physical Development Master Plan is close coordination of the planning activities of the Planning and Budget Office and the Public Land Corporation.

Planning Commission

The recommended function of the Planning Commission will be to coordinate planning activities between the PLC, the Planning and Budget Office, and other Commonwealth Government departments and agencies, as well as regulate the implementation of the Physical Development Master Plan. Because of the comprehensive and inter-related nature of land development, it is essential that the Planning Commission have the responsibility of reviewing and recommending on all types of development and on both public and private lands.

It is recommended that the Planning Commission consists of seven persons to be appointed by the Governor at the advice and consent of the Senate. It is hoped that the membership of the Commission would include several persons with expertise in planning, architecture, engineering and other related disciplines as well as involving persons from the business community and general public. The seven member board should include at least:

- * One member from the Board of Directors of the Public Land Corporation.
- * One representative each from Saipan, Tinian and Rota.

Generally the responsibilities of the Planning Commission would include the following:

- * Prepare, review, and recommend a "Master Plan" for adoption by the Northern Mariana Islands Commonwealth Legislature.
- * Prepare, review, and recommend for adoption by the Northern Mariana Islands Commonwealth Legislature implementation Mechanisms for the "Master Plan" such as Zoning, Building, and Subdivision Codes.
- * Conduct public hearings and make recommendations to the Northern Mariana Islands Commonwealth Legislature on proposed "Master Plan" changes.
- * Conduct public hearings and render decisions on proposed Planned Developments, Conditional Uses and appeals on Zoning, Subdivision, and Building Code cases.

The Planning commission would be a regulatory body to the Planning and Budget Director. Necessary staff support to the Planning Commission should be made available through the Planning and Budget Office. An Act creating a Planning commission and suggesting its functions is included as an appendix of this report.

Public Works

The Director, Department of Public Works, would be responsible for administering the building codes and for inspecting and approving subdivision improvements. The Department of Public Works would also be responsible for enforcing the Zoning Law. These efforts would be closely coordinated with the activities of the Planning and Budget Office.

FUTURE PLANNING REQUIREMENTS

Numerous functional plans remain to be prepared. Solid waste collection and disposal, environmental protection, coastal zone planning, detailed master plans and actual site plans for the expansion of educational facilities also need to be developed and implemented. The Socioeconomic and Physical Development Master Plans have been prepared with the intention of providing direction to these plan efforts.

The Role of Coastal Zone Management

In recognition of the need for continuing land use planning, a coastal zone management application was prepared and recently received grant approval. This program has been structured to continue the development of the Physical Development Master Plan.

Areas of concern with which the Physical Development Master Plan has dealt but which will demand continued study include:

- * Proper conservation of land and water resources within the coastal environment - Sand mining, conservation of fisheries resource, and protection of the water supply are areas which will require further planning.
- * Siting of major facilities - Capital Improvements are anticipated to increase manifold over the present level of expenditures. Proper siting of public facilities and controls over the siting of private facilities need to be developed.
- * Zoning and Land Use - Zoning regulation or control over the use of ones land is a term which is unfamiliar to the people of the Northern Mariana Islands. Making the public aware of the necessity for and acceptance of such controls requires further effort, and finally
- * Legislation Review - the Coastal Zone Management Program is seen as the vehicle for modifying, refining and implementing the proposed Legislation of the Physical Development Master Plan.

The program provides for the continuation of a planning unit to be staffed with a Coastal Zone Management Coordinator, an attorney, Physical and Socioeconomic planners, and supportive personnel. This planning body will initially be located in the Planning and Budget Office. However, in subsequent years this planning function may be placed within a line agency such as the Department of Natural Resources.

The Coastal Zone Management Program and the eventual formulation and implementation of a coastal zone management plan can provide the medium through which effective coordination with the Public Land Corporation can be assured.

Effective Plan Implementation

As mentioned previously, the Northern Mariana Islands are about to embark upon an irreversible development process. Planning must be flexible to accommodate changing conditions as well as be equipped with the necessary regulatory measures to enforce sound planning principles and practices. The previous section discussed the areas of influence of the major departments involved in planning and more specifically plan enforcement.

The success of the Master Plan is dependent upon the implementation of effective zoning, subdivision, and building code regulations. The zoning ordinance will be the legal definition of the land use zones and their recommended uses as developed in the Physical Development Master Plan. Generally, the land uses are divided into seven categories including: Conservation, Agriculture, Residential, Commercial, Industrial, Hotel-Resort, and Public Facilities. Some of these zones include sub-categories which further define permitted uses. The law specifies standards for each zone such as minimum lot size, yard setback requirements, maximum building height, and permitted uses.

Part II of this volume contains model legislation which is deemed appropriate for adoption by the Commonwealth of the Northern Mariana Islands. Proposed legislation includes a Zoning Code, Subdivision Law, Building Code and a bill for creating a Planning Commission.

Part II

IMPLEMENTATION

INTRODUCTION

Planning is indispensable to the provision of adequate public services, maximum utilization of resources and orderly economic and social growth. The preparation of a Physical Master Plan serves little useful purpose unless legal controls which serve to implement the plan follow. Many master plans, including the 1968 plan for Saipan have no legal basis and, although it has been adhered to by the public sector there are no regulations requiring the private sector to adhere to the plan. This introduction and the subsequent sections on proposed land use controls attempt to provide the mechanism for a sound Northern Mariana Islands Planning Program involving the Governor's Office, the Legislature, the constitutionally created Public Land Corporation, relevant government agencies and the private sector.

The Land Planning Act (P.L. 4C-76, 51 TAA, Ch.1) enacted by the Congress of Micronesia, (April 1972), delegated the authority to each district to "establish certain minimum regulations for the protection and the promotion of the public health, safety, and general welfare of the people in the districts." An element of the act also delegated to the districts the authority to "regulate the quality and type of structures" constructed in the district. By definition, the law states that "land use control laws mean zoning, subdivision, building & housing codes, official Land-Use maps and any other laws which control the use of land and improvement on the land."

Zoning laws, subdivision regulations and building codes are new concepts in the Northern Mariana Islands. The enactment and enforcement of land use control laws may not be politically desirable from the point of view of some individuals. It may be that the laws and regulations will discourage or even prohibit certain types of development. However, there is a growing awareness of the need to promote a rational pattern of growth. It becomes more critical when one realizes that the population of the Northern Marianas may double within the next ten years. The powers of the Commonwealth must be broadened if it is to cope with the emerging problems of such growth. To accomplish this objective the preparation of land use guidance tools such as zoning, building codes and subdivision regulations, which are consistent with the maintenance of a desirable life style and the preservation of an environment as free as possible from the damaging effects of uncontrolled urbanization and other development, are necessary. It should be noted that the proposed regulations promulgate minimum criteria. Criteria related to various federal programs such as the Federal Housing Authority's Minimum Property Standards may necessitate conformance with more restrictive requirements for those wishing to participate in the programs.

A brief introduction into each of these proposed land use control measures is included herein. Subsequent sections will detail the specific proposed regulations.

Zoning: Zoning is essentially a means of insuring that the land use of a community are compatible with one another. It allows the control of development density in each area so that properties can be adequately serviced by such government facilities as street, school, recreation and utilities system. Zoning directs new growth into appropriate areas and protects existing properties by requiring that development afford adequate light, air and privacy for persons living and working within the municipality.

Subdivision Laws: Subdivision refers to the division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development. The purpose of subdivision regulations are to assure that proposed land development will have adequate street and pedestrian access and to secure provisions for water supply, drainage, sanitary sewerage, recreational areas, school sites, and other public facilities.

Building Codes; Building codes or laws govern the design, construction, alteration and demolition of buildings so as to ensure public health, safety and welfare in so far as they are dependent upon building construction. The purpose of the Building Law is to require minimum standards of building construction to ensure safe and healthy conditions for occupants and users of structures.

ZONING CODE

THE NORTHERN MARIANA ISLANDS
ZONING CODE

ARTICLE 1.0 GENERAL PROVISIONS

Section 1.10 Short Title. This law shall be known as "The Comprehensive Zoning Act of the Commonwealth of the Northern Mariana Islands."

Section 1.20 Purpose and Objectives. There is a developing awareness of the need to promote a rational pattern of growth and to manage all environmental resources as wisely as possible. The powers of the Commonwealth must be broadened if it is to cope with the emerging problems of growth. To accomplish this objective the preparation of a land use guidance tool which is consistent with the maintenance of a desirable life style and the preservation of an environment as free as possible from the damaging effects of uncontrolled urbanization and other development is necessary.

A procedure is needed which will allow the Commonwealth to adopt and enforce precise and detailed controls in order to protect the general welfare and public interest. Existing federal legislation and the expanded participation of the Commonwealth in federal programs mandates that the Commonwealth assume a heightened responsibility in the general field of planning and in the specific area of land use controls.

The value of already scarce land and environmental resources has already increased to the point where many people can no

longer afford decent housing. Therefore a land and environmental resource management program that succeeds as a control and conservation measure must not rule out the availability of an adequate housing supply. It is intended, therefore, that the Commonwealth's control over the use and development of lands and environmental resources be exercised in a way that adequately recognizes the needs of its people for suitable and adequate housing within their financial means.

Section 1.30 Conformance with Master Plan. This zoning law shall conform to and shall implement in part the Master Plan adopted by the Commonwealth Legislature. It shall include a map to be entitled the "Official Zoning Map" delineating zone boundaries.

This law is adopted to achieve the arrangement of land uses as depicted in the Master Plan: to promote general health and welfare; to prevent overcrowding of land; to prevent incompatible land uses; to protect scenic areas; to protect historic sites; to prevent undue concentration of population; to facilitate the adequate provision of utilities such as highways, water and sewer service and public facilities such as schools and parks; and to secure safety from fire or other natural hazards.

Section 1.40 Definitions. The following definitions shall apply in the interpretation and enforcement of this law.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate

to the principal use or structure.

Buildable Area. The portion of a lot remaining after required open space has been provided.

Building. A structure enclosed within exterior walls, erected and framed of component structural parts, designed for the housing, shelter, and support of individuals, animals, or property of any kind.

Building, Community. A building for civic, social, educational, cultural and recreational activities of a neighborhood or community group or association and not operated primarily for financial gain.

Building, Existing. Any building upon which construction was lawfully begun or completed prior to the effective date of this law or any subsequent amendments hereto.

Building Height. The vertical distance measured between the average level of the existing ground surface to the highest point of the roof surface for flat roofs; and to the average height between the eaves and ridge for all other roofs.

Building Line. A line on a lot indicating the limit beyond which buildings, structures or any part thereof, may not be erected.

Cluster Development. Residential structures placed in close proximity to one another with open space consolidated into large parcels. Cluster may be accomplished by design or use

of contiguous common areas.

Commercial Amusement Establishment. Any place where entertainment or amusement is provided where the public, on a commercial basis, may observe or join in the activities.

Commercial Excavation (Quarry). Any excavation or removal of natural materials not related to or not occasioned by an impending development of the site for such excavation.

Commission. See Planning Commission

Conditional Use. Those uses that would not be appropriate throughout the zone, but which, if controlled as to number, location, size and relationship to the predominant use would promote the public welfare. Such uses are allowed at the discretion of the Planning Commission consistent with other provisions of this law and may be subjected to specific conditions of development.

Conforming Use. Use in compliance with the regulations of the pertinent zone.

Dwelling. A building designed and used for residential purposes.

- a) One-Family Dwelling - A building containing one dwelling unit, occupied by a kinship family, but not more than twenty (20) individuals.
- b) Two-Family Dwelling - A building containing two dwelling units, each occupied by a kinship family,

but not more than twenty (20) individuals per family.

- c) Multi-Family or Apartment House - A building containing more than two dwelling units.

Dwelling Unit. One or more rooms arranged for the use of one or more individuals living together or a single housekeeping unit, with cooking, living, sanitary and sleeping facilities associated with or available to the given structure.

Easement. An acquired privilege or right of use or enjoyment which an individual, firm, corporation, unit of government, or group of individuals has in the land of another.

Essential Services. The erection or maintenance by public utilities or agencies of underground, surface or overhead electrical, telephone, gas, fuel, sewerage or water transmission or distribution systems and communication facilities; including towers, poles, wires, drains, sewers, hydrants and similar equipment in connection herewith, but not including buildings; which are necessary for the furnishing of adequate service for the general health, safety and welfare.

Floor Area. The total area of all floors of a building measured along the exterior wall of such building.

Garage, private. An accessory building or portion of a main building designed and used solely for the storage of motor driven vehicles, boats and similar equipment owned and used

by the occupants of the building to which it is accessory.

Garage, service. A premises used for the storage, care, repair or equipping of motor driven vehicles.

Historic Property. Historic property means any building, structure, object, district area, or site including underwater sites that are significant in the history, architecture, archaeology or culture of the Northern Mariana Islands or its communities.

Home Occupation. Any use customarily conducted entirely within a dwelling and carried on solely by the inhabitants thereof, in connection with which there are: no displays visible from outside the building; no mechanical equipment used except as is normally used for domestic or household purposes; and no selling of any commodity on the premises; which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The office, studio, or occupational room of an architect, artist, engineer, lawyer or other similar professional person; business conducted entirely by phone or by mail (not involving frequent bulk shipment); and an office for doing 'homework' of a person in business elsewhere; all shall be permitted as home occupations except that no activity involving, encouraging, or depending upon frequent visits by the public and no shop or clinic of any type shall be deemed to be a home occupation.

Hotel. A building containing lodging and dwelling units used for transient paying guests. More than 50% of the units shall be lodging units.

Junk Yard. The use of more than 500 square feet of land for storage, or keeping of junk or scrap or waste materials; or the use of any area for the dismantling or wrecking of vehicles or machinery or for storage of parts resulting therefrom.

Lot. A parcel of land occupied by a main building and the yards and open spaces as are required herein.

Lot Coverage. The area of a lot which is covered by the main building and accessory buildings constructed thereon.

Marina. Pier constructed beyond the shoreline and extending into water area to provide facilities for some or all of the following: docking, anchoring, wet storage, launching, rental, and servicing of pleasure and recreational boats and related boating materials and equipment. Marina shore activities, as part of the total marina complex, are treated as accessory uses.

Non-conforming Building. A building or structure which does not conform to the regulations of this law and which lawfully existed at the time the regulations, with which it does not conform, became effective.

Non-conforming Use. A use of a building or land which does not conform to the regulations of this law and which lawfully existed at the time the regulations, with which it does not conform, became effective.

Open Space. The portion or portions of a parcel open to the sky unoccupied or unobstructed by buildings, paving or structures from the ground upward.

Open Space, Usable. An open space used exclusively for outdoor living or recreation and not accessible for use by motor vehicles of any kind, and landscaped except for outdoor living and recreational facilities.

Parking Space. Space in the open or within a structure, designed for the parking of one automobile.

Performance Standard. A statement of conditions applied to a proposed action upon a property specifying particular requirements necessary to ensure maximum efficient use of the property and to minimize detrimental impact of that action on the community as a whole.

Planned Development. A substantial area (greater than five (5) acres in which development follows an approved plan integrating a combination of uses in an appropriate and unified manner.

Planning Commission. "The Planning Commission of the Northern Mariana Islands."

Residential-Commercial. Retail sales and services for residents such as food, bakery, drugs, banks and insurance in close proximity to residential neighborhoods.

Resort Hotel Area. An area with facilities to accommodate the needs and desires primarily of visitors, tourists, and transient guests.

Shoreline (Mean high water). The upper reaches of the wash of waves, other than storm and tidal waves, usually evidenced by the edge of vegetation growth, or the upper line of debris left by the wash of waves.

Shoreline Setback Line. The line running inland from and parallel to the shoreline in a horizontal plane. The shoreline setback lines are established throughout the Northern Mariana Islands at one hundred and fifty (150) feet inland from the upper reaches of the wash of waves other than storm and tidal waves.

Story. That part of any building between the base of a finished floor and the top of the finished ceiling next above it.

Variance. A relaxation of the terms of the zoning law where such modification would not be contrary to the public interest, and where owing to conditions peculiar to the land, literal enforcement of zoning requirements would result in unnecessary and undue hardship. A variance is authorized only for height, area, or size of structures and/or yards.

Vista. A long view; an exceptional view; a panoramic view; also the overlook or point from which such view is available.

Watershed. An area from which the domestic water supply of any district or municipality is or may be obtained, or an area where water infiltrates into artesian or other ground water areas from which the domestic water supply of a district or municipality is or may be obtained.

Wetlands. Low-lying areas that during some portion of the year are covered in part or whole by natural non-flood waters including but not limited to marshes, swamps, bogs, ponds, pools, springs, wet areas bordering open water, mangrove and nipa palm areas and reef flats.

Yard . An open space on the same lot with a building, which open space lies between the building and the bounding lot lines, and is unoccupied and unobstructed from the ground upward except for landscaping.

Yard, front. A yard lying between the street line on which the lot fronts and a line parallel thereto which runs through the point of the building nearest to said street line. (The depth of said yard is the distance between the parallel lines).

Yard, rear. A yard lying between the rear lot line and a line parallel thereto extended to intersect the side lot lines, which line runs through the point of a main building nearest the rear lot line. (The depth of said yard is the distance between the parallel lines).

ARTICLE 2.0 ZONES AND ZONING MAP

Section 2.1 Location of the Official Zoning Map. The Official Zoning Map of the Northern Mariana Islands shall be located in the Planning and Budget Office and shall be readily available for public viewing.

Section 2.2 Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, lost, or destroyed, the Legislature shall by resolution adopt a new Official Zoning Map which shall supercede the prior map.

Section 2.3 Interpretation of Zoning Boundary Lines. If uncertainty exists as to the location of boundaries shown in the Official Zoning Map, the following rules shall apply:

- (a) Boundaries shown as approximately following the centerline of roads shall be construed as following such centerlines.
- (b) Boundaries shown as approximately following plotted lot lines shall be construed as following such lot lines.
- (c) Boundaries shown as approximately following district limits shall be construed as following such limits.
- (d) Boundaries shown as following shorelines shall be construed as following such shorelines; further, in the event of a change in the shoreline location, the boundaries shall be construed as moving with the actual shoreline.

- (e) Boundaries shown as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed as following such centerlines.
- (f) Boundaries shown as parallel to, or extension of, features shown in subsections (a) through (e) shall be so construed.
- (g) Where physical features on the ground are at variance with that shown on the Official Zoning Map, or in circumstances not covered in (a) through (f) above, the Planning Commission shall interpret the zoning boundaries.

Section 2.4 Zones. For the purpose of this law the Commonwealth of the Northern Mariana Islands is hereby divided into the following zones:

- C Conservation Zone
- A-1 Agriculture-Cultivation Zone
- A-2 Agriculture-Grazing Zone
- R-1 Rural Residential Zone
- R-2 One and two family residential zone
- R-3 Multiple family residential zone
- CO Commercial zone
- COH Heavy Commercial Zone
- H Hotel
- I Industrial zone
- P Public Facilities Zone

Section 2.41 CONSERVATION ZONE (C)

Section 2.411 Purpose. This zone provides for the preservation and protection of the natural, historic and cultural resources of the island. It includes areas that demand special consideration because of their importance to the fresh drinking water supply of the island. It includes therefore the watershed areas for the high level aquifers. This zone also includes areas that are unique or rare geologic or vegetative sites; steep slopes and ridges (in excess of 50% slope and 25 feet high); areas, sites or corridors of particular historic or scenic values; inland and coastal wetlands; shorelines, offshore reefs, and lagoons; beaches; beach parks and general parks; buffer areas for the purpose of protecting above areas.

Section 2.412 Principal Uses

- . Natural area reserves-wilderness or shoreline reserves.
- . Restoration or operation of valuable cultural or archaeological sites.
- . Watersheds - Maintenance of water collection, pumping, storage, control and transmission.
- . Flood and erosion prevention activities.
- . Growing and harvesting of forest products in forest reserves.
- . Recreational facilities and parks which require virtually no facilities.

Section 2.413 Other permitted uses

- . Cultivation of field crops.
- . Orchards and or plantations.
- . Essential services such as power and telephone lines, navigation aides, transmission lines.
- . grazing.
- . low density residential and accessory storage structures.
- . Planned developments which meet the criteria of Article 4.
- . Non-conforming uses.

Section 2.414 Zone Requirements

- . minimum residential lot size is 2 hectares per unit.
- . height limitation for residential uses is 1 story or 15 feet.
- . the Planning Commission/Department of Natural Resources (Division of Parks) will determine the setback and height standards for historic and archeological sites on a site by site basis.
- . Only impermeable surfaces which constitute an integral part of a building are permitted.
- . Private wells are not permitted.
- . The use of fertilizers and pesticides will be controlled in accordance with regulations established by the Department of Health and Environmental Services.

Section 2.42 AGRICULTURE-CULTIVATION ZONE (A-1)

Section 2.421 Purpose. This zone provides for intensive cultivation of field crops, forage, and orchard plantation. It contains the highest quality, i.e. most productive soils and in most instances includes lands overlying the basal groundwater supply.

Section 2.422 Principal Uses.

- . agriculture (cultivation).
- . accessory uses including storage facilities, and processing facilities consistent with preserving the primary use of the land.
- . roadside stands for the sale of products grown on the premises.

Section 2.423 Other permitted uses

- . Single family dwelling units.
- . Grazing.
- . Open space recreation areas, parks.
- . Non-conforming uses.

Section 2.424 Zone Requirements

- . Minimum lot size is 1 hectare per dwelling unit.
- . Maximum building height for residential uses is 1 story or 15 feet.
- . Maximum building height for agriculture accessory buildings is 25 feet.
- . Private wells shall not be permitted to interfere with the provision of an adequate public drinking water supply.

- . Grazing uses shall conform to sound agricultural practices which preclude overgrazing and subsequent erosion.
- . All setbacks shall be a minimum of 20 ft. from the property line.

Section 2.43 AGRICULTURE-GRAZING ZONE (A-2)

Section 2.431 Purpose. This zone provides for grazing activity, subsistence croplands, orchards, and uses related to animal husbandry, including the raising of cattle, swine and poultry.

Section 2.432 Principal Uses

- . Grazing and agriculture.
- . Accessory buildings and uses such as storage, barns, roadside stands for the sale of products grown or raised on the premises..

Section 2.433 Other permitted uses

- . Single family dwellings.
- . Open space recreation uses.
- . Planned Developments.
- . Other uses not stated herein are to be considered as conditional uses and will be subject to performance standards and an application process as specified in Article 3.
- . Non-conforming uses.

Section 2.434 Zone Requirements

- . minimum lot size is 1 hectare per dwelling unit.
- . maximum building height for residential uses is 1 story or 15 feet.

- . Private wells shall not be permitted to interfere with the provision of an adequate public drinking water supply.
- . Grazing uses shall conform to sound agricultural practices which preclude grazing and subsequent erosion.
- . All setbacks shall be a minimum of 20 feet from the property line

Section 2.44 RURAL RESIDENTIAL ZONE (R-1)

Section 2.441 Purpose. This zone provides for low density residential use mixed with compatible agricultural uses, which may be characterized by 'small farms' or 'subsistence lots'. This zone may be deficient in basic essential services required in urban zones. This zone may also include areas which have a potential for other urban uses although the time for zoning for such other uses is not yet appropriate or infrastructure facilities to accommodate the expected density are not yet available.

Section 2.442 Principal Uses

- . single family residential
- . subsistence agriculture
- . grazing

Section 2.443 Other permitted uses

- . Planned unit developments
- . Home occupations
- . Open space recreation

- . Other uses not stated herein are to be considered as conditional uses and will be subject to performance standards and an application process as specified in Article 3.
- . Non-conforming uses

Section 2.444 Zone Requirements

- . Minimum lot size is 20,000 square feet or two units per gross acre.
- . Maximum lot coverage shall be 15%.
- . Maximum building height is one (1) story or fifteen feet.
- . Setbacks shall be a minimum of twenty (20) feet from Primary and Secondary roadway rights-of-way and ten (10) feet from collector street rights-of-way.
- . Minimum setbacks from tertiary roadways shall be four (4) feet from the established rights-of-way boundary.
- . Side yard and rear yard setbacks shall be a minimum of five (5) feet.

Section 2.45 ONE AND TWO FAMILY RESIDENTIAL ZONE (R-2)

Section 2.451 Purpose. The purpose of this zone is to provide areas for low density family living offering privacy and reasonable amount of open space and which are protected from noise, congestion and hazards that may result from incompatible land uses such as commercial or industrial. Uses will include one and two family dwelling units, incidental and subordinate commercial or personal services such as "Mom and Pop"

stores, home occupations, schools, parks, playgrounds and recreational areas.

Section 2.452 Principal Uses

- . One and two family dwelling units
- . Home occupation
- . Family stores (Mom and Pop) with maximum floor area of 500 square feet.

Section 2.453 Other permitted uses

- . Schools
- . Parks, Playground and recreational areas
- . Community halls
- . Planned Unit Developments
- . Non-conforming uses
- . Other uses not stated herein are to be considered as conditional uses and will be subject to performance standards and an application process as specified in Article 3.

Section 2.454 Zone Requirements

- . Maximum Density is six (6) dwelling units per acre.
- . Minimum lot size is 5,000 square feet for single family units and 7,000 square feet for two family units.
- . Maximum building height is two (2) stories or twenty-five (25) feet.
- . Maximum lot coverage shall be thirty (30) percent.

- . Minimum setbacks from Primary and Secondary road rights-of-way shall be twenty (20) feet and ten (10) feet from collector road rights-of-way.
- . Minimum setbacks shall be four feet for front yards and five (5) feet for side and rear yards abutting tertiary road rights-of-way.

Section 2.46 MULTIPLE FAMILY RESIDENTIAL ZONE (R-3)

Section 2.461 Purpose. This zone provides for medium density (up to 16 units per acre) residential uses including low density apartments, town houses, and condominiums. Other uses include single and multiple family dwelling, and subordinate or incidental commercial or personal services.

Section 2.462 Principal Uses

- . Multi-Family or apartment house
- . All uses as permitted in R-2 Zone
- . Incidental and subordinate commercial or personal uses that display identification signs of minimal size
- . Home occupations

Section 2.463 Other permitted uses

- . Schools
- . Parks and recreational areas
- . Churches
- . Rooming houses
- . Planned Developments
- . Non-conforming uses

- . Other uses not stated herein are to be considered as conditional uses and will be subject to performance standards and an application process as specified in Article 3.

Section 2.464 Zone Requirements

- . Minimum lot size for multi-family apartment is 20,000 square feet
- . Maximum density is 16 dwelling units per net acre
- . Maximum building height is 2 stories or 25 feet
- . Maximum lot coverage shall be 50%
- . Minimum parking space requirements shall be 1.5 spaces per dwelling unit
- . Minimum lot size for single family dwelling unit is 5,000 sq.feet.
- . Minimum setbacks from Primary & Secondary road rights-of-way shall be 20 ft. and from collector roads 10 ft.
- . Minimum setbacks for front yards shall be four (4) feet and for side and rear yards shall be five (5) feet.
- . Parking space will be off street and parking arrangement will be such that no backing into the public right of way will occur.

Section 2.47 COMMERCIAL ZONE (CO)

Section 2.471 Purpose. This zone provides for the concentration of personal service-related commercial uses more

extensive than those occasionally found in the residential zones. They may be in proximity to and easily accessible from nearly residential neighborhoods. They may also provide for compact one-stop shopping areas, office buildings, public and quasi-public facilities, and centers which are architecturally and functionally related and fulfill regional market needs. They will usually be associated with larger population centers.

Section 2.472 Principal Uses

- . Any retail business whose principal activity is the sale of merchandise in an enclosed building, such as, but not limited to: groceries, dairy products, baked goods, clothing, hardware and general merchandise.
- . Personal service establishments such as tailors, self-service laundries, banks, insurance offices, and lending institutions.
- . Offices
- . Restaurants, bars, night clubs, commercial recreation establishments such as billiard or pool halls, bowling alleys, movie theaters.

Section 2.473 Other permitted uses

- . Churches and other institutional or religious establishments
- . Multiple family dwelling units
- . Gasoline stations and car repair garages with no more than 2 working stalls

- . Fish markets and butcher shops
- . Bakeries
- . Noodle factories
- . Planned Developments
- . Non-conforming uses
- . Other uses not stated herein are to be considered as conditional uses and will be subject to performance standards and an application process as specified in Article 3.

Section 2.474 Zone Requirements

- . Minimum lot size shall be 10,000 sq. ft.
- . Maximum building height is 2 stories or 25 feet
- . No minimum side yard required
- . Minimum parking space requirements shall be one (1) parking space per 200 square feet of commercial floor area and one (1) parking space per residential unit. In restaurants and bars, one (1) parking space shall be required for every four seats.
- . Parking spaces will be off street and parking arrangement will be such that no backing into the public right of way will occur. Parking lots for more than fifty (50) vehicles will be landscaped.

Section 2.48 HEAVY COMMERCIAL ZONE (COH)

Section 2.481 Purpose. This zone shall provide for the location of a major regional commercial center for commercial uses not generally considered compatible with adjacent residential areas.

Section 2.482 Principal Uses

- . Car and other motor vehicle services including new and used car sales, and service stations with more than 2 working stalls and uses of similar character or intensity.
- . Lumber sales
- . Construction material sales
- . Construction equipment sales and service
- . Warehouses not to exceed 5000 square feet of floor area.

Section 2.483 Other permitted uses

- . All commercial uses identified under section 2.472
- . Other commercial uses not compatible with a neighborhood commercial center concept.
- . Non-conforming uses.

Section 2.484 Zone Requirements

- . Maximum building height is 2 stories or 25 feet
- . Minimum side and rear yard setbacks are ten (10) feet.
- . Minimum parking space requirements shall be 1 parking space per 500 square feet of retail area. Parking spaces will be off street and parking arrangement will be such that no backing into the public right of way will occur.
- . Minimum setback from Primary or Secondary road right-of-way shall be 20 feet with a landscaped buffer strip of minimum 10 feet width between the commercial uses or the parking areas and the major public roads.

Section 2.50 HOTEL/RESORT ZONE (H)

Section 2.501 Purpose. This zone provides for areas to accommodate the needs and desires of visitors, tourists, and transient guests. It provides for compatible and complementary development in a unique setting. It shall be designed to promote a superior level of convenience, comfort and amenity within the zone; to encourage safe and pleasant pedestrian circulation; to preserve existing attractions and vistas; and to assure aesthetic visual relationships from principal view points.

Section 2.502 Principal Uses

- . Hotels and accessory buildings for uses customarily incident to hotel/resort uses.
- . Cultural and recreational facilities
- . Restaurants, bars, night clubs
- . Tourism related shops and offices
- . Parks

Section 2.503 Other permitted uses

- . Open space recreational activities
- . Non-conforming uses
- . Other uses not stated herein are to be considered as conditional uses and will be subject to performance standards and an application process as specified in Article 3.

Section 2.504 Zone Requirements

- . Minimum lot size is 20,000 square feet
- . Maximum density is 20 guest units per net acre

- . Maximum building height is 4 stories or 45 feet
- . Minimum side yard shall be 20 feet

In a hotel having 20 or more guest rooms, special accessory uses may include commercial establishments but the total floor area devoted to special accessory uses must not exceed 20% of the total hotel floor area.

Minimum parking requirements are one space for each guest room. Parking spaces will be off street and parking arrangement will be such that no backing into the public right of way will occur.

All parking areas shall be separated from major streets by a landscaped buffer zone with a minimum width of 20 feet.

Section 2.51 INDUSTRIAL ZONE (I)

Section 2.511 Purpose. This zone provides primarily for light industrial uses and processing plants including sufficient space to meet their expected future needs. There are reserved areas to encourage orderly economic development without creating a nuisance or hazard to residential and commercial areas.

Section 2.512 Principal Uses

- . Any use authorized in the Heavy Commercial (COH) Zone.

- . Manufacturing
- . Assembling
- . Research
- . Bottling or packaging
- . Storage and warehousing
- . Breweries
- . Concrete or asphalt plants
- . Fuel and chemical storage
- . Junk yards
- . Quarries
- . Paint shops

Section 2.513 Other permitted uses. Retail uses which have an industrial character or which serve the convenience of the industrial district.

Section 2.514 Zone Requirements

- . Maximum building height is 40 feet
- . No minimum side yard required
- . Minimum parking space requirements shall be one off-street space for each two employees

All development must adhere to those standards regulating odor, dust, smoke, gas, noise, vibration or other effects having measureable nuisance qualities established by those agencies responsible for promulgation of such standards.

Section 2.52 PUBLIC FACILITIES ZONE (P)

Section 2.521 Purpose. This zone provides for adequate space for the development and delivery of necessary public services.

Section 2.522 Principal Uses

Government and quasi public facilities

Section 2.523 Zone Requirements

- . Lot size will be dependent upon purpose and use
- . Maximum building height is 45 feet

ARTICLE 3.0 CONDITIONAL USES

Conditional Uses

Section 3.1 Authority. The Northern Marianas Planning Commission is authorized to issue conditional use permits subsequent to the receipt of an application and the holding of a public hearing on the proposed conditional use.

Section 3.2 Zone Applicability. The Planning Commission is authorized to issue conditional use permits in the following zones

A-2	Agriculture-Grazing
R-1	Rural Residential
R-2	One/two family residential
R-3	Multiple family residential
CO	Commercial
H	Hotel/Resort

Section 3.3 Form and Content of Application. The form and content of applications and proposals and the number of copies to be submitted shall be prescribed by the Planning Commission.

Section 3.31 Plans

Section 3.311 - Except where a final plan is submitted, every application or proposal shall

be accompanied by a preliminary plan, and shall be a part of the application or proposal until superceded by a final plan approved by the Planning Commission.

Section 3.312 - When applicable, the preliminary plan shall include location map, site plan, floor plan, elevations, and landscaping plan.

Section 3.32 Report

Section 3.321 Description of Project - The Application should include a description of the project in sufficient detail to assess the impact of the proposed project upon the Natural and Socio-Economic environment.

Section 3.322 Minimum Requirements - As a minimum the report shall include an assessment of the proposed project impact upon the following items:

Impacts to Public Utilities

- . Increased consumption of water supply and necessary facility expansion
- . Increased need for refuse disposal
- . The impact or increase in load to the power system
- . Increased demand on sewage treatment facilities

- . Impacts upon local street system to include anticipated increase of vehicular traffic
- . Increase in municipal service costs such as police and fire services, and neighborhood schools.

Socio-Economic Impacts

- . Harmony with the character of surrounding development and impact upon neighboring properties
- . Potential benefits in increased jobs and income
- . Provision of housing for residents and for persons of low and moderate income
- . Changes in tax revenues

Impacts Upon Natural Environment

- . Loss of vegetation, trees and cover, and subsequent chance of erosion
- . Potential pollution of air and water resources
- . Probable impacts to wildlife especially those species on the endangered list.
- . Changes to the surface drainage pattern
- . Disturbances to other aspects of the natural environment such as historic sites and scenic views.

Section 3.33 Public Hearing. The Planning Commission shall hold hearings before issuing permits on all conditional use applications.

Section 3.34 Location. The public hearing shall be held on the island where the proposed use is located.

Section 3.35. The Planning Commission may recommend safeguards such as setbacks, landscaping, changes in densities as it may deem desirable to protect adjacent land uses as a condition of approval.

Section 3.36. The Planning Commission shall keep a written record of the hearing and of its recommendation.

Section 3.37 Appeal. Land owners or leaseholders who are unsuccessful in their effort to obtain a conditional use permit from the Planning Commission may appeal to the Land Division of the Commonwealth Trial Court of the Northern Mariana Islands. All appeals shall be made within sixty (60) days from the date of the decision of the Commission.

ARTICLE 4.0 PLANNED DEVELOPMENTS

Section 4.0 Planned Developments. A Planned Development consists of various interrelated structures and buildings of flexible and unified design, preserving the natural and scenic value of open areas and facilitating the adequate and economical provision of streets and utilities. The Planned Development presents concepts that conform in principle to the Master Plan, and incorporates within the planned framework more than one type of use.

Section 4.1 Applicability. In order to be considered for application, Planned Developments must meet the following conditions:

- a) Be compatible with the master plan
- b) Have a minimum development plan for not less than five (5) acres.
- c) With the exception of the conservation zone the main use must be one of the principal or other permitted uses of the zone within which the Planned Development is to be located.

Section 4.2 Public Hearing. The Director Planning and Budget shall receive applications for Planned Developments and make recommendations to the Planning Commission concerning proposed Planned Developments. Planned Developments shall be allowed in the following zones:

C	Conservation Zone
A-2	Agriculture-Grazing
R-1	Rural Residential
R-2	One/two family Residential
R-3	Multi Family Residential
CO	Commercial
COH	Heavy Commercial
H	Hotel/Resort

Section 4.3 Procedural Requirements. Planned Development application will undergo the identical approval procedure process as that for conditional uses as specified in Article 3, Section 3.3 through Section 3.37.

ARTICLE 5.0 SUPPLEMENTARY REQUIREMENTS

Section 5.1 Accessory Buildings. Accessory buildings shall be subject to the following regulations:

- a) Where the accessory building is structurally attached to the main building, it shall be considered a part of the main building
- b) No detached residential accessory building shall be located closer than five (5) feet to a main building
- c) Yard requirements apply also to detached accessory buildings
- d) Accessory buildings to residential structures shall not exceed the height of the principal building.
- e) Accessory buildings to non-residential uses shall follow the height restrictions of the zone in which it is located
- f) No accessory building shall exceed the ground floor area of the main building.

Section 5.2 Principal Structures. In any zone, more than one building may be erected on a fee simple or leasehold lot, provided that the lot area, the yard requirements and parking requirements of this law be met for each principal building as though it were on an individual lot.

Section 5.3 Off Street Parking

- a) The typical parking space is 9 feet by 18 feet and the maneuvering lane is 20 feet for 90 degree parking. Other parking patterns shall be according to Planning Office Specifications.
- b) All spaces shall be provided access by maneuvering lanes. Backing directly onto Primary and Secondary streets shall be prohibited.
- c) The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited on a parking area.
- d) An area once designated as required off-street parking shall never be changed to any other use unless, with Planning Commission approval, equal facilities are provided elsewhere.
- e) Parking is permitted in all yard areas in all zones. All parking spaces must be provided on the same lot as to which it is accessory, unless otherwise provided for by law.

Section 5.4 Temporary Uses. The Planning Commission may grant temporary use permits for a period of up to one year for buildings and uses required for construction of a specific project; buildings and uses in connection with special events; buildings and uses required for unusual circumstances.

Section 5.5 Shoreline Setback. A shoreline setback of 150 feet from the mean high water line shall apply equally in all the eight zones. Within this setback area no structure shall be permitted.

ARTICLE 6.0 APPLICATION OF ZONE REQUIREMENTS

Section 6.1 Application

Section 6.11. The requirements set forth in this law shall be minimum requirements and shall apply uniformly to each class or kind of land.

Section 6.12. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the requirements for the zone in which it is located.

Section 6.13. No lot or yard existing at the time of passage of this law may be reduced below minimum requirements set herein.

Section 6.14. Lots and yards created after the passage of this law shall meet the requirements as set herein.

Section 6.15. Any lot existing and on record on the effective date of this law may be used for any principal use permitted in the zone in which it is located whether or not such lot complies with the lot area requirements of the zone. Such use may be made provided that all other requirements of said zone are complied with.

Section 6.2 Non-Conforming Uses and Structures

Section 6.21 Intent. Within the zones established by this law, or amendments later adopted, there may be lots, structures, or uses of land and structures that were lawful prior to enactment of this law, but which would be prohibited or restricted under this law or future amendments. It is the intent of this law to permit these non-conformities to exist, to continue until removed or terminated, but not to encourage their survival.

Section 6.22 Provisions. No such structures may be enlarged or altered in a way which increases its non-conformity. Such structures may be enlarged or altered in a way which does not increase its non-conformity.

Should such structures be destroyed by any means to an extent of more than 60% of its replacement costs it shall be reconstructed only in conformity with the provisions of this law.

Section 6.23 Non-Conforming Uses of Structures, of Land, or Structures and Land

Non-conforming uses shall not be extended or enlarged after enactment of this law. If a non-conforming use be discontinued or abandoned for a period of six months, the structure or structure and land shall not be thereafter used except in conformity with this law.

ARTICLE 7.0 ADMINISTRATION

Section 7.1 Administration. The Director of the Planning and Budget Office shall administer and enforce this law.

Section 7.2 Building Permits Required. No building or structure shall be erected, moved, added to or structurally altered without a zoning/building permit except in conformance with this law.

Section 7.3 Violations. If the Director of the Planning and Budget Office finds that any of the provisions of this law are being violated, he shall, in writing, notify the responsible person directly, indicating the nature of the violation and ordering the action necessary to correct it. He shall:

- a) Order discontinuance of illegal use of land, buildings, or structures.
- b) Order removal of illegal buildings or structures, or illegal additions, alterations, or structural changes.
- d) Take any action necessary to ensure compliance with the requirements of this law.

Section 7.4 Certificate of Zoning Compliance. It shall be unlawful to use or occupy, or permit the use or occupancy of, any building or premise hereafter created, erected, changed,

converted, or wholly or partly altered or enlarged in its use of structure unless and until the Director of the Planning and Budget Office shall have issued a certificate of zoning compliance, stating that the proposed use of the building or land conforms to the requirements of this law.

Section 7.5 Certificate of Zoning Compliance for Non-Conforming Uses

No non-conforming use or structure shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the Director of the Planning and Budget office. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this law.

Section 7.6 Records. The Director of the Planning and Budget Office shall maintain an accurate record of all certificates of zoning compliance.

Section 7.7 Expiration of Building Permits. Permits or certificates of zoning compliance issued on the basis of plans and applications approved by the Director of the Planning and Budget office authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this law and punishable as provided herein.

ARTICLE 8.0 APPEALS

Section 8.1 Authority. The Commonwealth Planning Commission shall function as a board of adjustment, so that appeals concerning administration or interpretation of this law may be taken by any person aggrieved or by an officer or department of the Commonwealth or its political subdivision affected by any decision of the Director of the Planning and Budget Office under the provisions of this law.

Section 8.2 Procedure. The Planning Commission when hearing appeals of this law shall operate under its own rules adopted for appeals. The meetings shall be public. The Chairman of the Commission shall keep accurate records of such meetings, showing the vote of each member on each question, its findings in each case, and its decision.

Section 8.3 Appeals; Hearings; Notice. Any appeal to the decision of the Director of Planning and Budget Office must be made within sixty (60) days, by filing a letter with the Planning Commission giving notice of appeal and specifying the grounds therefor. The Commission shall fix a reasonable time for hearing, give public notice therefor as well as due notice to parties having interest, and make a decision on the appeal within a reasonable time. Any party may appear at the hearing or be represented by an agent.

Section 8.4 Further Appeal. Any person(s) whose appeal is rejected by the Planning Commission may seek further review of their case with the Land Division of the Commonwealth Trial Court of the Northern Mariana Islands.

ARTICLE 9.0 VARIANCE

Section 9.1 Variances. The Director of the Planning and Budget office is authorized to grant variances from the terms of this law as will not be contrary to the public interest where, owing to special conditions relating to the land itself, literal enforcement of the provisions of this law would result in unnecessary and undue hardship.

Section 9.2 Procedure. An application for a variance must indicate the special conditions and circumstances peculiar to the land involved which justify such an application. The applicant must state which provisions of this law he is seeking variance from. The Director of the Planning and Budget Office shall review the application and shall decide whether such variance shall be approved.

Section 9.3 Appeal. Applicants who are unsuccessful in their effort to obtain a variance from the Director of Planning and Budget may take an appeal to the Planning Commission. Further appeal may be made to the Land Division of the Commonwealth Trial Court within sixty (60) days of the Commission's decisions.

ARTICLE 10.0 FEES, CHARGES, AND EXPENSES

Section 10.1 Authority to Require Fees. The Northern Mariana Islands Commonwealth Legislature may establish a schedule of fees and a collection procedure for building permits, certificates of zoning compliance and appeals. If such a schedule of fees be adopted, it shall be posted in the office of the Director of Planning and Budget

ARTICLE 11.0 AMENDMENTS

Section 11.1 Amendment Procedure. The requirements, restrictions, and boundaries set forth in this law and the official zoning map may from time to time be amended, supplemented, changed or repealed.

Section 11.2 Responsibility. The Planning Commission shall hold a public hearing and make its recommendations to the Northern Mariana Islands Commonwealth Legislature. Public Notice of the proposed hearing shall be published in the Northern Marianas Register and given by radio, television, local or regional newspaper or by any other means suitable at least 15 days prior to the Public Hearing.

Section 11.3 Authority. Ultimate authority for amendment changes is vested with the Northern Mariana Islands Commonwealth Legislature.

ARTICLE 12.0 SEVERABILITY

Section 12.1 Severability. Should any section or provision of this law be declared invalid, such judicial determination shall not affect the validity of the law as a whole or any part thereof other than the particular part declared invalid.

SUBDIVISION LAW

THE NORTHERN MARIANA ISLANDS
SUBDIVISION LAW

ARTICLE 1.0 GENERAL PROVISIONS

Section 1.10 Short Title . This law shall be known as "The Northern Mariana Islands Subdivision Law."

Section 1.20 Purpose. The purpose of this law is to control land subdivision in the interests of orderly development and proper land use for and in the Northern Mariana Islands; to achieve individual property lots of maximum utility and livability; to serve adequate traffic circulation through coordinated street systems; and to secure adequate provisions for water supply, drainage, sanitary sewerage, recreational areas, school sites and other public facilities.

Section 1.30 Conformance with Master Plan. Any proposed subdivision shall conform, as far as practicable, to the proposals and intention of the Master Plan for the Northern Mariana Islands formally adopted in whole or in part by the Northern Mariana Islands Legislature, unless substitute proposal may be shown to the satisfaction of the Legislature, or its agent, to better serve the general area of the subdivision and the islands.

In cases where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the logical further subdivision and economic extension of streets, utility easements, drainage ways and public

areas in the division of such parcels.

Section 1.40 Protection of Natural Features. Due regard shall be shown for all natural features such as trees, water courses, rock cliffs, scenic points, historic locations, and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

Section 1.50 Definitions. The following definitions shall apply in the interpretation and enforcement of this law:

Commission: The Northern Mariana Islands Planning Commission.

Director: Director of Planning and Budget Office of the Northern Marianas Government.

Lot: A parcel of land separated from other parcels for the purpose of sale, lease or separate use.

Master Plan: The Northern Mariana Islands Master Plan

Road: Any way used for vehicular traffic, whether the way be called a road, street, highway, or another name.

(1) Primary Road. Any vehicular way that provides for travel of island-wide significance. Examples are roads that provide for travel between major traffic generators such as major villages, industrial parks, airports, harbors, etc.

(2) Secondary Road/Major Arterial. Any vehicular way that connects two or more villages or built up areas. This category might also include roads providing access to the interior or otherwise undeveloped regions of the island.

(3) Tertiary Road. Any other vehicular way, especially short roads that act as collector roads or which provide access to residential areas or to agricultural parcels.

Plat: A map of a parcel of land for which subdivision approval is sought, giving the information specified in Section 6.1 of this law.

Tentative "Approved" Subdivision Plat: A map indicating the proposed layout of the subdivision in sufficient detail to provide an adequate basis for review and to meet the requirements set forth in this law.

Final "As Built" Plat: A map for all or part of a subdivision providing detailed information as required in this law and suitable for recording by the Clerk of Courts.

Proprietor: A person, firm, association, partnership, corporation or government which holds ownership or leasehold interest in the land to be subdivided.

Subdivision: A partitioning of a parcel of land into two or more lots.

Zoning Law: The Northern Mariana Islands Zoning Law.

ARTICLE 2.0 PRELIMINARY SKETCH PLAN

Section 2.1 Application. In order to make certain that the proposed subdivision is consistent with the Land Use Master Plan for the Mariana Islands and also consistent with the zoning ordinance, the applicant should first submit two copies of a preliminary sketch plan to the Director setting forth the information hereinafter described, together with an application for subdivision.

Meetings with various departments and agencies can then be arranged so as to make certain that subdivision plans are consistent with the overall Land Use Master Plan and master plans to expand utilities and infrastructure.

Section 2.2 Information Required on Preliminary Sketch Plan.

The preliminary plan must contain sufficient detail to permit a planning review, but it need not be a precisely engineered plan. The outside boundaries, however, shall be accurate and certified as such by the Department of Natural Resources or a registered land surveyor:

Section 2.21 Owner's Name. The name of the proposed subdivision owner and subdivision planner shall be indicated.

Section 2.22 General. Such sketch plan shall indicate the location of the existing and proposed subdivision, lots, blocks, streets, existing buildings and structures, drainage ways, location of existing utility easements, and other relevant information.

Section 2.3 Interview. The person or duly authorized agent submitting the application for subdivision shall accompany the submission of the preliminary sketch plan in order to discuss the proposed subdivision with the planner in charge of subdivision review. At this time, applicable requirements will be discussed and explained to applicant and planner-in-charge will make his recommendations and identify issues.

ARTICLE 3.0 TENTATIVE SUBDIVISION MAP

Section 3.10 Tentative Subdivision Requirements. All persons applying for a regular subdivision shall submit four (4) copies of a tentative map to the Director of Planning or his designated agent for his approval. Such map shall include the following information.

Section 3.11 - The name of the owner or leasehold of the property.

Section 3.12 - The name of the subdivision, its location, the boundaries, the size, the scale of the plat and compass points, and true north.

Section 3.13 - The names of the adjoining property owners or leaseholders.

Section 3.14 - Topography or contour.

Section 3.141 - Contours in urban areas or lots of less than 20,000 square feet shall be shown at a minimum of 5 ft. intervals.

Section 3.142 - Agricultural subdivisions shall be shown at a minimum contour interval of 3 meters or 10 feet.

Section 3.15 - The location of existing and proposed roads, including width of the right-of-way, walkways, and the paved roadways.

Section 3.16 - The lot lines and lot numbers

Section 3.17 - The location of permanent markers

Section 3.18 - The location of any streams, swamps, or other bodies of water situated within the tract.

Section 3.19 - The location of all available utility lines and utility easements, including water, sewer, electricity, and telephone. Should the proposed development alter natural drainage patterns so as to require provision of ditches or other facilities for accommodating storm drainage, such facilities shall also be indicated.

Section 3.2 Other Information Required. A vicinity sketch shall show the streets and tract lines of all the existing subdivisions within 1/2 mile of the boundary of the proposed tract, together with the names and or number of all tracts between the proposed tract and the nearest existing Primary and Secondary roadways.

ARTICLE 4.0 REVIEW BY THE OFFICE OF PLANNING AND BUDGET

Section 4.1 Responsibility of the Director. The Director of the Planning and Budget office shall have twenty-eight (28) days from the time the application for subdivision is submitted to act upon the subdivision request. The Director shall have an additional 28 days if written notice is provided the applicant within five (5) days of expiration of the initial 28 day period.

Section 4.2 Review Procedure. The Director or his designated agent shall transmit copies of the preliminary plan to the Northern Mariana Islands Director of Public Works, to the

Environmental Protection Board/Agency, and to the Department of Natural Resources for their review and comments.

Section 4.3 Notification of Decision. The Director shall review all details of the proposed subdivision ascertaining whether it complies with the Zoning Law and the Master Plan and whether it complies with all provisions of the Subdivision Law.

Section 4.31 Approval. If the subdivision complies with the provisions of the Master Plan Zoning Law and Subdivision Laws, the Director of Planning may approve the subdivision.

Section 4.32 Disapproval. If the subdivision plat is disapproved by the Planning Director, he shall return the copies of the plat unsigned to the owner or lease holder with a written instrument stating the reasons for disapproval.

Section 4.33 Conditional Approval. The Planning Director, subject to the approval of the Planning Commission, may recommend approval of a subdivision plat with conditions. The Planning Commission shall set a time limitation for conditional approval and should said conditions be not satisfied, the plat shall be deemed disapproved.

ARTICLE 5.0 STANDARDS FOR IMPROVEMENTS

Upon receipt of notification of approval or conditional approval the subdivider may begin with proposed improvements. Standards for improvements shall be as follows.

Section 5.1 Roads - Type and Classification. Streets and roads are classified on the basis of use and importance. All streets excepting Primary and Secondary roadways will be classified as Tertiary roads. Four types of Tertiary roadways are identified below. Design standards will be dependent upon the magnitude of use (traffic demand).

Section 5.11 Collector Residential Street. A collector residential street is a roadway or accessway that serves more than 100 residential units (potential lots). Minimum right-of-way width is 60 feet or greater if so established in the Master Plan.

Section 5.12 Minor Residential Road. A minor residential street is one that serves less than 100 lots or housing units. The minimum right-of-way width is 44 feet provided however, this width requirement may be reduced at the discretion of the Director of Planning and Budget when it can be demonstrated that the road will ultimately serve less than 20 lots.

Section 5.13 Cul-de-Sac . Cul-de-Sac roadways are permitted but must be less than 750 feet in length and provide access to not more than 25 lots. Culs-de-Sac must have a turn around at the closed end. The turn around must have an outside diameter of at least 80 feet.

Section 5.14 Alleys. A street depressed in the center, with a right-of-way and surface width of 20 feet or less.

Section 5.2 Streets. The following provisions shall govern.

Section 5.21 Street Patterns. The street pattern in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood. The following principles shall be observed:

Section 5.211 Street Plan. The site plan shall be arranged to connect the street system with adjoining plotted streets, using existing onsite streets where not in conflict with sound design objectives.

Section 5.212 Safety. Existing or proposed streets shall provide safe, convenient access to all residential and other buildings for essential and emergency use, including access needed for deliveries, service, maintenance, fire equipment and car parking facilities.

Section 5.213 Extension of Streets. Proposed streets shall be extended to the boundary lines of the land to be subdivided unless prevented by topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary for the coordination of the sub-division with the existing layout or the most advantageous future development of adjacent tracts.

Section 5.22 Rights-of-Way. Street rights-of-way shall be designed to accommodate present and future planned street pavements and where appropriate walks, planting strips, utilities and drainage.

Section 5.23 Street Location. Arterial and collector streets shall be located to provide the principal traffic ways for a development and as required for compliance with the comprehensive plan for the area.

Section 5.231 Access. Direct access from major arterials and highways is prohibited. Access to properties shall be designed to minimize all traffic hazards.

Section 5.232 Frontage roads. Frontage roads shall be required on Primary and Secondary roadways in Urban areas (areas zoned Commercial) to minimize access points along such designated roadways.

Section 5.24 Street Intersections. Proposed street centerlines shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.

Section 5.241 Primary and Secondary Road. The number of intersecting streets along Primary and Secondary Roads shall be held to a minimum. Whenever practicable, such intersections shall be spaced not less than 1,000 feet on center. Where subdivision lots border or parallel any Primary

or Secondary roadway, the subdivider may be required to execute and deliver to the Northern Marianas Government an instrument deemed sufficient by the Attorney General, prohibiting the right of ingress and egress from such major arterial streets to such lots.

Section 5.242 Tertiary and Residential Streets.

Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect. The centerlines of streets, if not in alignment, shall be offset at least 125 feet for minor residential streets and 500 feet for arterial and collector streets.

Section 5.25 Street Width. Street and driveway widths shall be designed to accommodate all anticipated vehicular traffic and where required, on-street parking.

Section 5.251 Residential Streets. Minimum pavement width is nine (9) feet per traffic lane and eight (8) feet per parking lane.

Section 5.252 Collectors or Arterials. On collectors or arterials with anticipated Average Daily Traffic of greater than 200 vehicles, travel lane widths should be a minimum of 10 feet.

Section 5.26 Other Requirements

Section 5.261 Road Grade. No road grade shall exceed fifteen percent (15%) slope.

Section 5.262 Roadway Materials. All roads shall be constructed and paved with a suitable material as determined by the Director of Public Works.

Section 5.263 Cul-de-Sacs. Provisions for cul-de-Sacs are as follows.

Section 5.2631 Length of Cul-de-Sacs. Cul-de-Sac lengths shall not exceed 750 ft. except where ridge lines, steep valleys or peninsula formations allow no alternative road system. Cul-de-sac lengths may be increased where a permanent easement for emergency vehicle exit is provided and maintained in usable condition from the end of the cul-de-sac to another street.

Section 5.2632 Turning Radius. Minimum paved diameter of a turning circle is eighty (80) feet.

Section 5.27 Dedication of Roadway. Streets shall be designed for dedication for public use and maintenance or, at discretion of Planning Commission when approved, may be retained as private streets on the property.

Section 5.271 Undedicated Streets. On-site driveways or undedicated streets shall be designed to provide convenient access to the living units, garage compounds, parking area, service area, etc.

They shall enter public streets at safe locations (see 5.24). Such streets terminating in a cul-de-sac or court shall have an adequate turning space (see Section 5.263).

Section 5.28 Parking. Adequate parking space shall be provided for residents, guests, and service vehicles. Where practical, additional parking spaces shall be planned and reserved for future use.

Section 5.281 Number of Spaces. One parking space is required for each lot except where permanent parking for occupant's use is provided in courts, bays, garages or carports where maintenance is assured.

Section 5.282 Safe Sight Distances. Garages and carports shall be arranged so that departing drivers have a clear view of approaching pedestrians and vehicles when crossing walks and entering traffic lanes.

Section 5.3 Sidewalks/Pedestrian Easements. Standards for Sidewalks or Pedestrian Easement requirements shall be as follows:

Section 5.31 - Major Arterials (Primary and Secondary Streets). Sidewalks and/or pedestrian easements shall be provided for on one side of primary and secondary roads in rural areas and where judged necessary by the Director of Planning and Budget for public health and safety.

Easements for sidewalks will be a minimum of four feet wide in residential zones and eight feet wide in Commercial or Hotel Resort zones.

Section 5.4 Curbs and Gutters. Standards for curb and gutter requirement shall be as follows:

Section 5.41 - Adequate provision must be made in the design for the eventual placement of curbs and gutters on primary and secondary roads.

Section 5.42 - Adequate provisions for surface water run-off must be made for tertiary roads. Generally all subdivisions where lots are less than 7,000 square feet shall include within the rights-of-way provisions for curbs, gutters, and all drainage systems.

Section 5.5 Utility Easements. The following requirements for utility easements shall apply.

Section 5.51 General Requirements

Section 5.511 Provision of Easements for water, sewer, power, and telephone lines shall be provided where any of these utilities are or will be available. These easements may be located along front, side, or back lot lines. The widths of such easements shall not exceed 10 feet on any one lot.

Section 5.512 Contiguity of Easements. Wherever possible, all easements shall be continuous from block to block, and their layout shall create as few irregularities as possible.

Section 5.52 Power Lines. All electrical power distribution lines shall be along rear lot lines wherever possible.

Section 5.53 Water Lines. Water lines shall be installed as to Public Works specifications.

Section 5.53 Sewerage Disposal. Sewerage lines and all appurtenances shall be installed as to Public Works Department specifications when the lots in the subdivision are under 10,000 square feet in size. In subdivisions where the lots are larger than 10,000 square feet and the Sanitarian finds that the soil characteristics will accept an adequate leaching field, a septic system may be permitted and sewerage lines will not be required.

Section 5.55 Water Courses. Drainage conduits and channels when not located in a public street, road or alley, or within a public drainage easement, must be located in a recorded and dedicated public easement when on private property. Necessary dedication for construction on private property not owned by the applicant must be recorded before the improvement will be approved for construction.

Section 5.6 Lots and Blocks. Lots and blocks within a subdivision shall conform to the following standards.

Section 5.61 Lot Area. Lot sizes shall conform to all requirements of zoning laws for the zone in which the subdivision is located.

Section 5.611 - Building setback lines shall conform to at least the minimum requirements of the Zoning Law and Building Codes.

Section 5.612 - Lots intended for purposes other than residential use shall be specifically designated for such purposes. The intended purpose on such lots shall be marked on the plat and must be in conformance with the Zoning Law.

Section 5.62 Blocks. Unless specifically approved by the Director of Planning and Budget, block lengths should not be less than 200 feet in length and not more than 2,000 feet.

Section 5.621 - Blocks of more than 1,000 feet may at the discretion of the Planning Director require pedestrian cross-walks.

ARTICLE 6.0 SUBMISSION OF FINAL "AS BUILT" PLAT

Section 6.1 Final "As Built" Plat. Upon completion of the required improvements the proprietor shall submit four (4) copies of a Final Plat of the subdivision to the Director of Planning.

Final Plat map shall include:

Section 6.11 - Layout of subdivision including but not limited to the dimensions of the exterior boundary of the subdivision, blocks, lots, curves, rights-of-ways and all other easements granted on the final map.

Section 6.12 - Street construction As-Built plans shall include, but not be limited to: street grading; road

section; location of curbs, gutters and sidewalks and all construction required in connection with the control of traffic.

Section 6.13 - Sewer As-Built Plans shall include, but not be limited to: sizes; profiles; locations and details of sewer mains; sewer laterals; manholes and clean outs and any other structure or plant required from collection to disposal of sewage.

Section 6.14 - Water As-Built plans shall include, but not be limited to: sizes; profiles; locations and details of water mains, water laterals, blowout valves, fire hydrants and any other structures or reservoirs required for the distribution of water.

Section 6.15 - Storm Drain As-Built Plan shall include, but not be limited to; sizes; profiles; locations and details of storm pipes; catch basins; surface drains or any other structure required for collection or disposal of storm runoff.

Section 6.16 - Electrical and Telephone As-Built Plans shall include, but not be limited to: the sizes; profiles, locations and details of underground cable conduits; handholes transformers, poles or any other connected structures.

Section 6.2 Certificates and Acknowledgements. The following certificates and acknowledgements shall appear on all sheets of the improvement plans.

Section 6.21 - Engineer's Certificate - Name of the Engineer submitting the plans.

Section 6.22 - Recommendation for approval by the Director of Public Works.

Section 6.3 Review by the Planning and Budget Director: The Director shall obtain the written comments of the Director of Public Works certifying that all improvements have been made in the subdivision to the required standards. The Director of Public Works shall determine whether the Final Plat is in substantial conformance with the tentative "Approved" plat and shall either approve or disapprove the Final or "As Built" Plat.

Section 6.4 Approval of Final "As Built" Plat. Upon approval of the Final Plat, all copies shall be signed by the Director of Planning and Budget. One Plat shall then be forwarded to the Clerk of Courts for official filing. One set of "As Built" plans shall be forwarded to the Director of Public Works. One set will be retained by the office of Planning and Budget and the fourth set shall be returned to the subdivider or applicant. No lots shall be sold or leased and no buildings constructed until the Final "As Built" Plat is filed with the Clerk of Courts.

ARTICLE 7.0 VARIANCES

Section 7.1 Hardship. The Planning Director may encounter situations in which parcel size, or shape, or topography, or surrounding development is such that strict application of these regula-

lations could impose substantial hardship on the owner or leaseholder. In such extraordinary circumstances, Director of Planning and Budget office shall refer the subdivision request to the Planning Commission for their review.

Strict compliance with the requirements of these rules and regulations may be waived only when, in the judgement of the Commission, such action is in the public interest and not inconsistent with the intent of the Subdivision Law. In waiving strict compliance, the Commission may require such alternative conditions as will serve substantially the same objectives as the standard or regulations waived.

Section 7.2 Planned Development. The requirements of these regulations may be modified by the Planning Commission as necessary to permit processing and establishment of a proposed "Planned Development Zone" as set forth in Article 4 of the Northern Mariana Islands Zoning Law.

ARTICLE 8.0 ADMINISTRATION

Section 8.1 Administration. The Planning Director of the Planning and Budget Office shall administer and enforce this law.

Section 8.2 Required Format and Application Procedure. The Director shall within three months after the effective date of this law promulgate rules and regulations specifying the format and content of preliminary sketch plan, tentative subdivision plans and final "As Built" subdivision plats.

Section 8.3 Records. The Director of Planning and Budget shall maintain an accurate record of all subdivision or lot parcellings.

ARTICLE 9.0 FEES

Section 9.1 Authority to Require Fees. The Northern Mariana Islands Commonwealth Legislature may establish a schedule of fees and a collection procedure for review of subdivision plats and requests for appeal. If such a schedule of fees be adopted it shall be posted in the office of the Planning and Budget Director.

ARTICLE 10.0 APPEALS

Section 10.1 Grounds for Appeal. When a proposed plat is not approved by the Planning and Budget Director, and the landowner or leaseholder feels that he has complied with the regulations set out herein, or in the event an application for a variance is denied by the Planning Director, the owner or leaseholder may appeal to the Planning Commission.

Section 10.2 Authority. The Commonwealth Planning Commission shall function as a board of adjustments, so that appeals concerning administration or interpretation of the subdivision law may be taken by any person aggrieved or by an officer or department of the Commonwealth or its political subdivision affected by any decision of the Planning and Budget Director under the provisions of this law.

Section 10.3 Procedures. The Planning Commission when hearing appeals of this law shall operate under its own rules adopted for appeals. The meetings shall be public. The Chairman of the Commission shall keep accurate records of such meetings, showing the vote of each member on each question, its findings in each case, and its decision.

Section 10.4 Appeals; Hearings; Notice. Any appeal of the Planning and Budget Director's decisions must be made within sixty (60) days, by filing a letter with the Planning Commission giving notice of appeal and specifying the grounds therefor. The Commission shall fix a reasonable time for the hearing, give public notice therefor as well as due notice to parties having interest, and make a decision on the appeal within a reasonable time. Any party may appear at the hearing or be represented by an agent.

Section 10.5 Further Appeal. Any person(s) whose appeal is rejected by the Planning Commission may seek further review of their case with the Land Division of the Commonwealth Trial Court of the Commonwealth of the Northern Mariana Islands.

ARTICLE 11.0 AMENDMENTS

Section 11.1 Amendment Procedure. The requirements and restrictions set forth in this law may from time to time be amended, supplemented, changed or repealed.

Section 11.2 Responsibility. The Planning Commission shall hold a public hearing and make its recommendations to the

Northern Mariana Islands Commonwealth Legislature. Public Notice of the proposed hearing shall be given at least 15 days in advance. Notice shall be published in the Northern Marianas Register and be given by radio, television, local or regional newspaper or by any other means suitable.

Section 11.3 Authority. Ultimate authority for amendment is vested with the Northern Mariana Islands Commonwealth Legislature.

ARTICLE 12.0 SEVERABILITY

Section 12.1 Severability . Should any section or provision of this law be declared invalid, such judicial determination shall not affect the validity of the law as a whole or any part thereof other than the particular part declared invalid.

PROPOSED BUILDING LAW

PROPOSED BUILDING LAW

GOVERNMENT OF THE NORTHERN MARIANA ISLANDS

CHAPTER I ADMINISTRATIVE PROCEDURES

SECTION 1000. Title. This law may be cited as the "Building Law of the Commonwealth of the Northern Mariana Islands.

SECTION 1001. Purpose. The purpose of this Law is to secure and promote the safety, health and general welfare of the people of the Northern Marianas by providing standards for the location, design, material, construction, alteration, repair, building service equipment, maintenance, use, occupancy, moving, removal and demolition of buildings, structures and appurtenances thereto as well as electrical, plumbing, mechanical and boiler installations thereto in the Commonwealth.

SECTION 1002. Compliance. All buildings, structures, appurtenances connected and attached thereto or equipment thereof as well as electrical, plumbing, mechanical and boiler which are erected, constructed, installed or moved within the Commonwealth of the Northern Mariana Islands after the effective date of this Law shall comply with all provisions of this Law. However, structures and installations designed as single family dwellings shall comply with the provisions of this Law only if they are located or to be located within areas having adequate public utilities. The location and boundaries of such areas for the purposes of this act shall from time to time be desig-

nated and redesignated and defined and redefined by executive order of the Governor of the Northern Mariana Islands.

SECTION 1003. Existing Structures. The following specified provisions shall apply to existing buildings or structures:

(a) It shall be unlawful to make any change in the use or occupancy of any structure or building without the approval of the building official and his certification that such structure or building meets the intent of the proposed new use or occupancy and that such change does not result in any greater hazard to public safety or welfare.

(b) Where the use of a structure or building is changed from a non-dwelling use to a dwelling use, in whole or in part, the entire structure or building shall be made to comply with all provisions of this Law applicable to new dwellings; provided that in the event of partial change where such parts are separated from other parts of the structure or building by an approved fire separation, only such dwelling part shall be made to comply with the provisions of this Law.

(c) If a building is increased in floor space or number of stories, the entire building or structure shall be made to conform to the requirements of this Law in respect to means of egress, fire, safety, light and ventilation.

(d) Where alterations or repairs are made within any period of twelve (12) months costing in excess of fifty (50) per cent of its physical value, the entire structure or building shall be made to comply with the provisions of this Law applicable to new buildings and structures.

(e) Where the cost of alterations or repairs within any twelve (12) month period is more than twenty-five (25) but less than fifty (50) per cent of the physical value of the building or structure, the building official shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements for new buildings or structures.

(f) Ordinary repairs to building or structures, the cost of which repairs do not, within any twelve (12) months period, exceed twenty-five (25) per cent of the physical value of the building or structure, may be made without application or notice to the building official; provided, that the term ordinary repairs shall not include the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the existing requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or other work affecting public health or general safety.

SECTION 1004. Compliance Required. No building or structure shall be constructed, extended, repaired or altered in violation of the provisions of this Law, except for ordinary repairs as defined in Section 1003(f); and except further, that the raising or lowering or moving of a building or structure as a unit necessitated by a change in grade or widening of a street shall be permitted; provided, that the building or structure is not otherwise altered or its use or occupancy changed.

SECTION 1005. Additional Requirements. Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of the occupants thereof and which is not specifically covered by this Law shall be determined by the Director of Public Works.

SECTION 1006. Maintenance. All buildings and structures and all parts thereof, both existing and new, public or private, shall be maintained in a safe and sanitary condition.

SECTION 1007. Administration & Enforcement. The administration and enforcement of the provisions of this Law shall be the responsibility and duty of the Director of Public Works.

SECTION 1008. Delegation of Authority. The Director of Public Works is hereby empowered to delegate any authority granted herein, except the authority to promulgate rules and any regulations as hereinafter set forth, to any employee of

the Department of Public Works. Any duty prescribed herein to be performed by the Director of Public Works may be assigned to any employee of the Department of Public Works and the Director of Public Works shall establish and furnish to each such employee appropriate credentials to be used in the performance of their official duties. It is the express intent of this Law for the Director of Public Works to appoint an employee of the Department of Public Works as the "Building Official" who shall be responsible for the routine administration and enforcement of the provisions of this law. The appointee shall be qualified, competent and capable of administering and enforcing the requirements of this Law.

SECTION 1009. Restrictions on Employees. No employee or officer engaged in administering or enforcing the provisions of this law shall engage in any activity inconsistent with his duties under this Law; and no such office and employee so employed shall, during the term of his employment, be engaged directly or indirectly in any building business, enter into any building contracts or furnish building materials, plans or specifications for others. This section shall not be construed to prohibit any employee from designing or constructing or contracting for the design construction of a building or structure for his own use, provided that he so declares in writing of his intention to do so to the Director of Public Works and, furthermore, that he shall not be involved with the enforcement of or any approvals required under this Law.

SECTION 1010. Employees Relieved of Liability. Any officer or employee duly charged with the enforcement of this Law, acting for the Government of the Northern Mariana Islands in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any such suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Law shall be defended by the Attorney General until the final termination of the proceedings.

SECTION 1011. Survey and Record of Buildings. (a) The Director of Public Works shall, within the next three (3) years after the effective date of this Law, conduct a survey of all buildings and structures in the Commonwealth of the Northern Marianas. Following this, he shall establish and maintain a complete, current record on each and every building and structure surveyed. This record shall reflect the use, nature and physical condition by the original survey and as revised from time to time by information obtained as a result of said Director's activities under this Law.

(b) The Director of Public Works shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices, rules, regulations, decisions and orders issued. File copies of papers in

connection with building operations shall be retained in the official records so long as the building or structure to which they relate remain in existence.

SECTION 1012. Report to Governor & Legislature. The Director of Public Works shall annually submit a report to the Governor and the Legislature which shall include a summary of all permits and certificates issued, rules, regulations and other promulgations, and materials approved.

SECTION 1013. Cooperation from Public Agencies and Application to Public Buildings. Officials of other departments, agencies or branches of Government in the Commonwealth of the Northern Marianas exercising any degree of control over construction, use or occupancy of buildings or structures, appurtenances connected or attached thereto or equipment thereof, under other applicable laws of the Northern Mariana Islands shall cooperate and assist in the enforcement of the provisions of this Law. Any employee of such department or agency empowered to review the design or make inspections of such structures shall promptly report to the head of his department or agency any violations of the provisions of this Law. Such department or agency head shall promptly communicate the violation to the Director of Public Works. Furthermore, it is the expressed intent of this law that the design and construction, alteration, modification, occupancy and use of all public buildings shall be in full compliance with the requirements of this Law.

SECTION 1014. Purpose; Rules & Regulations. (a) The provisions of this Law are designed to set forth the standards of safety, strength, sanitation and fire resistance. The expressed approval of certain materials, methods, devices or equipment which will satisfy these same standards.

(b) In furtherance of the intent of subsection (a) of this section the Director of Public Works may formulate and promulgate and may amend or repeal regulations supplementary to and not inconsistent with the provisions of this and other applicable Federal and Commonwealth Laws. Said regulations shall have the force and effect of law and shall be concerned with the uses of alternate materials, methods, devices, equipment and test which are deemed acceptable as meeting the standards established by or pursuant to the Law; and with such other matters as the Director of Public Works, from time to time, may deem necessary in order to effectuate the expressed purposes of this Law. It is the intent of this section that the standards of the governmental agencies and recognized national technical organizations listed in Appendix A of this Law shall serve as a guide in prescribing regulations promulgated pursuant to this Law.

SECTION 1015. Promulgation and Enforcement of Regulations.

(a) No regulation of the Director of Public Works issued pursuant to this Law shall become effective until fifteen days after notice of intention to enforce it shall have been given in a newspaper in general circulation in the Northern Mariana Islands and until a public hearing shall have been held; provided, that said public hearing shall not be necessary unless

a written request by a resident of the Northern Mariana Islands shall have been made for such hearing during the four weeks following publication. Such regulation must be drawn in its proposed form and open to public inspection at the time the notice of intention to enforce is published.

(b) Any regulation may be amended or repealed by the same procedure prescribed for the adoption of new regulations.

(c) The Director of Public Works, not less than thirty (30) days subsequent to the publishing of the notice of interest to enforce, may make such regulations effective by publication in a newspaper of general circulation in the Northern Mariana Islands, of a statement to the effect that such regulation are now available for public review and use at the office of the Director of Public Works.

SECTION 1016. Discretion to Adapt to Circumstances. The Director of Public Works may vary or modify the application of any provision of this Law or of any regulation adopted pursuant thereto, consonant with the spirit and intent of the Law, upon application of the owner or his representative, in any of the following conditions:

(a) When there are practical difficulties involved in carrying out material, structural or mechanical provisions of this Law or of a regulation adopted pursuant thereto, or;

(b) Where the proposed variation or modification will not substantially affect the structural integrity designed to be achieved by the provisions of this Law or of any regulation adopted pursuant thereto.

SECTION 1017. New or Alternate Materials. (a) Any new or alternate materials, methods, devices or equipment may be used by their proponent only when the proposed use has been expressly authorized in writing by the Director of Public Works in execution of the broad policy set forth in Section 1014 (a).

(b) The proponent shall file, in addition to his application for a building permit, a request for authorization to use the proposed new or alternate material, method, device or equipment, accompanied by proof in support of his claims regarding the consistency of the proposed use with the standards established by this ordinance. Such proof shall consist of a complete report from an approved laboratory listed in the appendix to this Law on the performance characteristics of the subject matter to meet the proposed use as set forth in the application for a building permit.

(c) The Director of Public Works, within a reasonable time after submission but not to exceed thirty (30) days, of the request for authorization of the proposed use, shall approve or disapprove such use. Said approval or disapproval shall be in writing, and shall set forth the basis of said Director's decision. Any approval shall require the applicant to utilize such material, method, device or equipment in strict conformity with the terms of the approval.

SECTION 1018. Prohibition. It shall be unlawful to construct, enlarge, alter, remove or demolish, or change the occupancy of a building, public or private, from one use group to another

requiring greater strength, exits or sanitary provisions; or to change to a prohibited use; or to install or alter any equipment for which provision is made or the installation of which is regulated by this Law; without first filing an application with the building official in writing and obtaining the required permit therefor, except that ordinary repairs as defined in Section 1003(f) which do not involve any violation of this Law shall be exempt from this provision.

SECTION 1019. Application for Permit. The application for a permit shall be submitted in such form as the Director of Public Works may prescribe and shall be accompanied by the required fee as prescribed in this Law.

SECTION 1020. Application Procedure. Application for a permit shall be made by the owner or lessee of the property, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a person other than the legal owner it shall be accompanied by a duly verified affidavit of the owner that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and, where the owner or lessee is a corporation, the responsible officers shall be stated in the application.

SECTION 1021. Contents. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all

portions of the site or lot not covered by the building, and such additional information as may be required by the building official.

SECTION 1022. Information Required. The application for the permit shall be accompanied by not less than two copies of specifications and of plans drawn to scale, with sufficient clarity and detailed dimensions, showing the nature and character of the work to be performed. When quality of materials is essential for conformity to this code, specific information shall be given to establish such quality; and in no case shall the code be cited or the term "legal specifications" or its equivalent be used as a substitute for specific information. The building official may waive the requirement for filing plans when the work involved is of a minor nature. The Director of Public Works may prescribe a uniform format and size of Plans and Specifications required in the application for a permit provided that such standards do not cause any undue hardship to the person or persons making the application.

SECTION 1023. Site Plan. There shall also be filed a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; and it shall be drawn in accordance with an accurate boundary-line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing buildings and constructions that are to remain on the site or plot. The building official may waive the requirements of this section when the work involved is of a minor nature.

SECTION 1024. Additional Details. The building official may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the engineer, architect or person responsible for the design.

SECTION 1025. Examination and Review. The building official shall promptly examine or cause to be examined, each application for a building permit and all plans, specifications, information and materials filed in conjunction therewith, in order to ascertain whether the proposed work is in accordance with the requirements of the provisions of this law. Whenever the actual physical conditions of the proposed work, or the site thereof, are not apparent from the application for a building permit and the materials filed in conjunction therewith, the building official shall examine or cause to be examined the site of the proposed work in order to determine such conditions.

SECTION 1026. Action on Applications. (a) The Building official shall act upon each application for a building permit without unreasonable or unnecessary delay. On finding conformity with all the requirements of this and other applicable laws, the building official shall, upon receipt of the required fee, issue the permit to the applicant.

(b) If an application for a permit or the plans and specifications submitted therewith describe proposed work not in conformity with all the requirements of this and other applicable laws, or do not contain sufficient information to enable the building official to reach a decision, he shall not issue such a permit, but shall return the plans and specifications to the applicant, together with his refusal to issue such permit, and reason therefor. The building official, upon request of the applicant, shall make such refusal, containing the reasons therefor, in writing.

SECTION 1027. Endorsement. The building official, upon the issuance of a permit, shall endorse in writing or stamp on both sets of plans and specifications "APPROVED FOR PERMIT # _____", and affix his signature to such endorsement.

SECTION 1028. Approved Plans, Revisions Prohibited. Approved plans and specifications shall not be revised, modified or altered in any manner affected by the provisions of this or other applicable laws, without the expressed written authorization from the building official, and all work shall be done in accordance with approved plans and specifications.

SECTION 1029. Disposition. The building official shall retain at least one set of approved and endorsed plans and specifications with their attached data and return other sets to the applicant. The applicant's set shall be kept at the work site at all times during which the authorized work is in progress, and shall be open to inspection at all reasonable times to the building official or his authorized representative.

SECTION 1030. Permit. (a) The issuance of a building permit or approval of plans and specifications shall not be construed to be a permit for, or approval of any violation of the provisions of this law. Any permit presuming to cancel such provisions or condone such violations shall be entirely invalid and void.

(b) The issuance of a building permit after approval of plans, specifications and attached data submitted therewith, shall not prevent the building official from thereafter requiring corrections of any errors in said plans, specifications and data, nor from prohibiting building operations to be carried on thereunder until said correction is made.

(c) Any building permit shall lapse and be void, if the work authorized by it is not commenced within six (6) months after its issuance; or is suspended or abandoned for a period of six (6) months at any time after the work has been commenced; provided that, for cause, the building official may allow an extension up to a maximum of six (6) months each. All such extensions shall be in writing and noted on the building permit and in the building permit records at the Department of Public Works.

SECTION 1031. Special Permits. The building official may, at his discretion after receipt of an application for a building permit and pending issuance of such building permit, issue a special permit for the foundations or other substructures, and without assurance that a building permit for the super-

structure will be granted. However, the permit shall be issued only after the site Plan has been reviewed and approved. Such activity as the applicant may undertake under said special permit must be in full compliance with the provisions of these and any other applicable laws.

SECTION 1032. Inspections. (a) All construction or work in progress for which a permit is required shall be subject to inspection from time to time by the building official, or his designated representatives. Certain types of construction may require continuous or special inspections as determined by the building official. Any person or persons interfering with the building official or his authorized representative in the performance of such duties shall be liable to the penalties hereinafter provided.

(b) Work requiring a building permit shall not begin until the permit holder or his agent shall have posted an inspection card, in a conspicuous place on the front of the premises and in such a position as to allow the building official or his authorized representative to make entries thereon regarding inspection of the work. The card which shall be furnished by the Department of Public Works shall be maintained in such position by the permit holder until the work has been completed and a Certificate of Occupancy issued. The card shall maintain a record of every inspection including the time, date and all violations of the provisions of this Law or of other applicable laws, rules and regulations.

(c) The Director of Public Works shall promulgate procedures, rules and regulations within three (3) months following the effective date of this act with respect to inspection requirements.

(d) Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This Subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose, and pay the reinspection fee in accordance with Section 1037.

In instances where reinspection fees have been assessed no additional inspection of the work will be performed until the required fees have been paid.

SECTION 1033. Tests as Proof of Compliance. (a) Whenever there is insufficient evidence that any material or any construction does not conform to the requirements of this Law, or in order to substantiate claims for alternate materials or methods of construction, the building official may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency or laboratory.

(b) Tests shall be in accordance with generally recognized standard test procedures for the proposed use. In the absence of such standard test procedures, the building official shall specify the test procedure.

(c) The building official may require tests to be repeated, if at any time he has reason to believe that an approved use no longer conforms to the requirements upon which the approval was based.

SECTION 1034. Prefabricated Buildings. Where the unit or component parts of a prefabricated building are not readily accessible to inspection, the building official may accept a certification from an approved national testing agency that the building is identical with a specimen previously approved by the national authority.

SECTION 1035. Stoppage of Work for Noncompliance. (a) Upon notice from the building official that work on any building or structure is being executed contrary to the provisions of this or other applicable laws, or rules and regulations issued pursuant thereto, or in an unsafe and dangerous manner, such work shall be immediately stopped.

(b) The stopwork order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person in charge of the work; and shall state the conditions under which work may be resumed;

(c) The building official may require that work be stopped on oral notice, pending issuance of a written order, in these instances where he deems immediate action is necessary for public safety.

SECTION 1036. Revocation Permit. The building official shall revoke a permit or approval issued under the provisions of this law (1) in case of any false statement or misrepresentation as to a material fact in any application or plans and specifications in which the permit was issued or approval given, (2) in any case in which the permit was issued in error and conditions are such that a permit should not have been issued, and (3) in any case where a building permit owner refuses to comply with a stop order issued under the provisions of Section 1035.

SECTION 1037. Fees. (a) Before a building permit is issued a permit fee therefor shall be paid to the building official in accordance with the following schedule based upon valuation of the proposed work.

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$5.00
\$501.00 to \$2,000.00	\$5.00 for the first \$500 plus \$1.00 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001.00 to \$25,000.00	\$20.00 for the first \$2,000.00 plus \$4.00 for each additional \$1,000 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$112.00 for the first \$25,000.00 plus \$3.00 for each additional \$1,000 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$187.00 for the first \$50,000.00 plus \$2.00 for each additional \$1,000 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$287.00 for the first \$100,000.00 plus \$1.50 for each additional \$1,000 or fraction thereof, to and including \$500,000.00
\$500,001.00 and up	\$887.00 for the first \$500,000.00 \$1.00 for each additional \$1,000 or fraction thereof

(b) Where work, for which a permit is required by this Law, is started or proceeded with prior to obtaining said permit, the fees above specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Law in the execution of the work nor from any other penalties prescribed herein.

(c) Before plans and specifications are accepted for checking, a plan-checking fee, in addition to the building permit fee, shall be paid to the building official, which plan-checking fee shall only be applicable to a building or structure not classified as a single-family dwelling unit and whose total valuation is one thousand dollars (\$1,000.00) or over. The plan-checking fee shall be one-half (1/2) of the building permit fee. For a single-family dwelling units whose valuation is over two thousand dollars (\$2,000.00) and less than fifty thousand dollars (\$50,000.00), the plan-checking fee shall be one-fourth (1/4) the building permit fee. For single-family dwelling units whose valuation is \$50,000 and over, the plan-checking fee shall be one-half (1/2) the building permit fee.

SECTION 1038. Cessation in Construction. Whenever there is a cessation in the authorized construction of any building or structure of more than twelve (12) months, the building official, by written order served upon the permit holder and the owner of the premises, shall require the holder of the permit or said owner to place such premises in a condition of reasonable health and safety as determined by the building official.

SECTION 1039. Certificate of Occupancy. No building or structure hereafter erected shall be occupied or used, in whole or in part, until a Certificate of Occupancy shall have

been issued by the building official and posted on the premises certifying that such building conforms to the provisions of this Law.

SECTION 1040. Alterations. No building or structure hereafter enlarged or extended, or so altered, wholly or in part, as to change its classification or occupancy shall be occupied or used, in whole or in part, until a Certificate of Occupancy shall have been issued by the building official certifying that the work for which the permit was issued has been completed in accordance with the provisions of the Law; provided, that if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or use of said building or structure shall not continue for more than thirty (30) days after completion of the alteration unless such certificate shall have been issued.

SECTION 1041. Content. In addition to the certification as to compliance with the provisions of this code, the Certificate of Occupancy shall state the purposes for which the building may be used in its several parts, the maximum permissible live loads on floors, the number of individual persons that may be accommodated in upper stories, in case such number is limited by a provision of law or by the permit.

SECTION 1042. Changes. (a) No change of occupancy shall be made in a building or structure hereafter erected or altered that is not consistent with the last issued Certificate of Occupancy, unless a new Certificate of Occupancy is secured. No change of occupancy that would bring a building or structure under some special provision of this Law shall be made, unless the building official finds, upon inspection, that such building or structure conforms substantially to the provisions of Law with respect to the proposed new occupancy, and issues a Certificate of Occupancy therefor.

(b) The occupancy of a building shall not be deemed to have been changed because of a temporary vacancy or change of ownership or tenancy. The re-establishment in a building, after a change of occupancy has been made, of a prior use that would not have been permitted in a new building of the same type of construction is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made.

SECTION 1043. Application. Any person desiring a Certificate of Occupancy as hereinabove required shall, after completion of the work for which the building permit was issued, file with the building official a signed application therefor on a form furnished by the building official stating, in writing, that the work has been completed in compliance with the terms of the construction permit and the terms of this Law.

SECTION 1044. Final Inspection. The building official, upon receipt of an application for a Certificate of Occupancy, shall promptly inspect or cause to be inspected the construction, enlargement, alteration, repair, conversion, movement or improvement of the building, structure or appurtenances, or the installation of equipment for which a building permit was issued, in order to ascertain whether the proposed work has been completed in accordance with the requirements of the building permit and the provisions of this Law.

SECTION 1045. Issuance or Denial. (a) If after inspection as provided in Section 1044, it is found that the proposed work has been completed in accordance with the requirements of the building permit and the provisions of this Law, the building official shall issue a Certificate of Occupancy. The building official shall keep a permanent record of all Certificates of Occupancy issued.

(b) If after inspection, as provided in Section 1044, it is found that the proposed work has not been completed in accordance with the building permit or the terms of this Law, the building official shall refuse to issue a use permit and shall order the work completed to comply with the building permit or this Law.

(c) The building official may issue a temporary use permit for any portion or portions of the premises which may be safely occupied prior to the issuance of a Certificate of Occupancy.

SECTION 1046. General-Building Inspection. The building official or his authorized representative, insofar as may be necessary in the performance of his duties, upon showing proper credentials, may enter at any reasonable time any building, structure or premises, in the Northern Mariana Islands to perform any duty imposed upon him by this Law. Any person or persons interfering with the building official or his authorized representative in the performance of such duties shall be liable to the penalties hereinafter provided.

SECTION 1047. Unsafe Structures. (a) All unsafe buildings and structures are hereby declared to be illegal, and shall be repaired, vacated or demolished, in accordance with the procedure established by this Law.

(b) For the purpose of this Law, unsafe buildings are all buildings and structures or equipment thereof which are structurally unsafe, or which are unsanitary, or which are unfit for human habitation, or are not provided with adequate means of egress, or which constitute a fire hazard, or are otherwise dangerous to human life or safety, or which in relation to existing uses constitute a hazard to the safety of the public or occupants by reason of inadequate maintenance, delapidation, obsolescence or abandonment.

SECTION 1048. Examination. The building official shall examine or cause to be examined every unsafe or damaged building or structure. He shall make or cause to be made, a written record of such examination, which shall set forth a factual description of the premises and specifically enumerate the

particular conditions which are alleged to be violations of the provisions of this Law or otherwise render such buildings unsafe.

SECTION 1049. Report. (a) The building official, whenever he shall make a finding, as a result of the examination required in Section 1048 shall:

- (1) Notify in writing, by personal service or registered mail, the owner, occupant, lessee, mortgagee, agent and other persons having an interest in said building as shown by official land records that the building or structure is unsafe, and that:
 - (a) The owner must vacate, or repair, or demolish said buildings or structure in accordance with the terms of the notice and of this Law.
 - (b) The occupant or lessee must vacate said building, or may have it repaired in accordance with the terms of the notice and of this Law.
 - (c) Said mortgagee, agent, or other persons having an interest in said building, may, at his own risk, repair, vacate or demolish said building or have such work or act done. Any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding thirty (30) days, as may be necessary to do, or have done, the work or act required by the notice as herein provided. Such notice shall describe the building deemed unsafe,

shall include a statement of the particulars which make it unsafe, and shall contain an order requiring the building to be put in such condition as to comply with the terms of this Title within a stated time, not exceeding thirty (30) days.

- (2) Post, or cause to be posted in a conspicuous place at the principal point of entry to the building deemed unsafe, a notice reading as follows:

"This building has been found to be a dangerous building by the Department of Public Works, Government of the Northern Mariana Islands. This notice is to remain on the building until it is repaired, vacated, or demolished in accordance with the notice which has been given to all parties having an interest in this building. It is unlawful to remove this notice until such notice is complied with."

- (b) The building official, in the event of non-compliance with the notice and order hereinabove provided for in Section 1049 shall:

- (1) Notify in writing by personal service or registered mail, the same parties as in Section 1049 (a) to appear before him on a specified date to show cause why the building deemed unsafe should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the prior notice.
- (2) Hold a hearing and hear such testimony as building department employees, owner, occupant, lessee,

mortgagee, or other interested parties shall offer relative to the unsafe building.

- (3) Make written findings of fact from the testimony offered at said hearing, and on the basis of such findings render a written decision as to whether the building is safe, or unsafe within the meaning of this Law. The original copy of such findings and decisions shall be kept in the Department of Public Works. Other copies shall be sent to all parties served with notice of the hearing.
- (4) On the finding that the building is unsafe, issue an order based on such findings of fact, commanding all parties served with notice of the hearing to repair, vacate or demolish such unsafe building; provided, that any person so notified, except the owner, shall have the privilege of vacating or repairing, and; provided further, that no person other than the owner shall be ordered to demolish said building.

(c) In the case of non-compliance with the above order within ten (10) days, the building official shall cause such building to be repaired, vacated or demolished as the facts may warrant, in accordance with the standards for repair, vacating or demolition set forth in Section 1049(d). The cost of such repair, vacating or demolition shall be a lien against the land on which the building exists or existed, as the case may be, until recovered by the Commonwealth of the Northern Marianas.

(d) The building official in ordering repair, vacating or demolition of a building found unsafe, shall be governed by the following standards:

- (1) If an unsafe building can reasonably be repaired so that it will no longer exist in violation of the terms of this Law, it shall be ordered to be repaired.
- (2) If an unsafe building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated.
- (3) If an unsafe building is damaged or decayed, or deteriorated to the extent of fifty percent (50%) of its original value or structure, it shall be demolished. In all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Law, it shall be demolished. In all cases where the unsafe building is a fire hazard existing or erected in violation of the provisions or unsafe within the meaning of this Law, it shall be demolished.

SECTION 1050. Order to Vacate. The building official, whenever he determines that an unsafe building, structure, or portion thereof, constitutes an immediate danger to the occupants, shall order the buildings, structure, or portion thereof, to be vacated at once and not reoccupied until issuance of a new certificate of occupancy by the building official.

SECTION 1051. Sign. (a) The building official, on the vacating of any building in accordance with the provisions of 1049 and 1050, shall post or cause to be posted at each entrance to the building, a sign stating: "This building is unsafe and its use or occupancy is prohibited by the Director of Public Works. Any person entering this building without permission of the Director of Public Works shall be subject to fine or imprisonment or both."

(b) Such sign shall remain posted until the required repairs are made or demolition is completed.

(c) Any person entering the building, except for the purpose of making the required repairs or effecting demolition, or any person removing any sign posted by the building official shall be liable to the penalties provided for in this law.

SECTION 1052. Actual and Immediate Danger. (a) In case there shall be, in the opinion of the Director of Public Works, actual and immediate danger of failure or collapse of a building or structure, or any part thereof so as to endanger life or property, he shall promptly cause such building or structure to be made temporarily safe, or if necessary, to be demolished. In such cases the decision of the Director shall be final and conclusive.

(b) The Director, in exercising his powers and duties under this section, may at once enter any unsafe building, or the land on which it stands, or abutting land or structure, with such assistance and at such cost as he deems necessary. He may vacate adjacent structures and protect the public by an appropriate fence or such other means as may be necessary, and for this purpose he may close a public or private way.

(c) Costs incurred under this section shall be paid by the Government of the Northern Mariana Islands on a certified voucher of the Director of Public Works. Such costs shall be a lien on the land on which the building exists or existed, as the case may be, until recovered by the Government of the Northern Mariana Islands.

SECTION 1053. Prohibition and Penalty. (a) It shall be unlawful for any person to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any building or structure or portion thereof in the Northern Mariana Islands contrary to any provision of this Law.

(b) Any person violating the provisions of the Law shall be deemed guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00), or imprisonment for not more than one (1) year, or by both such fine and imprisonment.

(c) Such person shall be deemed guilty of a separate offense for each day during which any violation of the provisions of this Law continues.

SECTION 1054. Northern Mariana Islands Planning Commission.

The Northern Mariana Islands Planning Commission is empowered to hear appeals from any order, requirement, decision or determination of the building official or his authorized representative, or any rule, regulation or amendment or repeal thereof made by the building official; provided, that summary abatement by the building official or his authorized representative pursuant to Section 1035 of this Law shall be final and conclusive.

SECTION 1055. Prohibition. No member of the Commission shall pass on any question in which he is engaged as contractor, material man, preparer of the plans and specifications or in which he has any personal interest.

SECTION 1055. Personnel. The Department of Public Works shall provide the Commission with such clerical personnel and office facilities as may be reasonably necessary to carry out the provisions of this Law.

SECTION 1057. Records. The Commission shall keep permanent and accurate records of all its activities relative to this Law including a record of every tally vote.

SECTION 1058. Rules of Procedure. The Commission shall establish rules for its own procedures, not inconsistent with the provisions of this Law.

SECTION 1059. Appeal from Rulings. Any party adversely affected or aggrieved by any order, requirement, decision or deter-

mination of the Director of Public Works or his authorized representative, or any rule, regulation or amendment or repeal thereof, may appeal such action to the Commission.

SECTION 1060. Time for Filing. Any appeal from any action of the building official shall be made within fifteen (15) calendar days, including Sundays and holidays, after the action complained of by filing with the Director of Public Works and with the Commission a notice of appeal specifying the grounds thereof.

SECTION 1061. Transmittal of Records. The Director of Public Works, upon receipt of the notice of appeal, shall transmit to the Commission all of the records upon which the action appealed from was taken.

SECTION 1062. Power to Stay Proceedings. The Commission shall have power to stay all proceedings in a matter before the Director of Public Works where an appeal has been duly filed or a review ordered by the Commission.

SECTION 1063. Hearing on Appeal. The Commission shall fix a reasonable time for hearing appeals and shall give adequate notice to all parties in interest. All hearings shall be conducted according to rules established by the Commission but any party in interest may appear in person, or by a designated attorney or agent.

SECTION 1064. Transcript. Any party in interest may cause a transcript of the hearing to be prepared at his own expense.

SECTION 1065. Decision on Appeal. The Commission after hearing an appeal, may reverse or affirm, in whole or in part, or modify the order, requirement, decision, determination, rule or regulation appealed from, and may make such order, requirement, decision or determination as in its opinion will best serve the stated purpose of the law.

SECTION 1066. Filing. The Commission shall make decisions on each appeal in writing and within a reasonable time. It shall, without unreasonable delay, cause to be served on the parties in interest, a copy of its decision. Additional copies of the decision shall be filed in the building permit records of the Department of Public Works.

SECTION 1067. Agent to Execute Orders. The Department of Public Works shall serve as the agent of the Commission to execute its orders.

SECTION 1068. Judicial Review of Decision. Any party aggrieved by the decision of the Commission shall be entitled to judicial review thereof by application to the Commonwealth Trial Court of the Commonwealth of the Northern Mariana Islands within fifteen (15) days after the filing of the Commission's decision in the building permit records of the Department of Public Works.

CHAPTER II

TECHNICAL PROCEDURES STANDARDS AND REQUIREMENTS

SECTION 1100. Purpose. The purpose of this Chapter is to set forth the technical procedures requirements and minimum standards which shall regulate and control the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and electrical, plumbing, mechanical and boiler installations within the Northern Mariana Islands and certain equipment specifically regulated herein.

SECTION 1101. Uniform Building Code Adopted. All design, construction, alteration, moving, demolition, repair and use of any building or structure within the Northern Mariana Islands, except work located in a public right-of-way, not specifically regulated herein, and hydraulic flood control structures shall generally conform to the requirements of Parts II, III, IV, V, VI, VII, VIII, IX, X and XI of the latest edition of the Uniform Building Code published by the International Conference of Building Officials, except as otherwise provided herein.

SECTION 1102. Earthquake Design Requirements. Every building or structure and every portion thereof shall be designed and constructed to adequately resist earthquake forces as defined and set forth in Chapter 23, Part VI of the Uniform Building Code. For purposes of earthquake design requirements, the Northern Mariana Islands are declared to be in

Seismic Zone 3. All buildings and structures in the Northern Mariana Islands must conform to all seismic design and construction requirements specified for Zone 3 areas.

SECTION 1103. Wind Pressure Design Requirements. Buildings and structures shall be designed to withstand the minimum horizontal and uplift pressures set forth below:

(a) The lateral load from wind pressure shall be no less than forty (40) pounds per square foot.

(b) The uplift pressure on every roof shall be not less than three-fourth ($3/4$) of the lateral wind loading for enclosed buildings.

(c) The uplift pressure on roofs of unenclosed structures, roof overhangs, architectural projections, eaves, canopies, or similar structures unenclosed on one or more sides shall be designed and constructed to withstand upward pressures equal to one and one-fourth ($1\frac{1}{4}$) times the lateral loading.

SECTION 1104. Electrical Installations. The latest Edition of the National Electrical Code of the National Fire Protection Association shall be adopted as the generally recognized standard for the design and construction of electrical installations in the Northern Mariana Islands.

SECTION 1105. Plumbing Installations. The latest Edition of the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials shall be adopted as the generally recognized standard for the design and construction of plumbing installations in the Northern Mariana Islands.

SECTION 1106. Mechanical Installations. (a) Definition.

As used in this Section, "boiler" means any fired or unfired pressure vessel, subject to this Section, used to generate steam pressure by the application of heat.

(b) Standard. The latest edition of the American Society of Mechanical Engineers' Boiler and Pressure Vessel Code shall be adopted as the generally recognized standard for design, construction, installation, inspection, operation and repair of boilers in the Northern Mariana Islands.

(c) Inspection. The Director of Public Works, pursuant to the provisions of this Law, shall formulate and promulgate rules and regulations to provide for the inspection of boilers in the Northern Mariana Islands not specifically exempted from the provisions of this Section.

(d) Safety Orders. The Director, in furtherance of the intent of this Law, shall have the authority to prescribe and enforce safety orders which shall establish minimum standards for the design, construction, installation, inspection, operation and repair of all boilers in the Northern Mariana Islands not specifically exempted from the provision of this Section.

(e) Exemptions. The provisions of this Section do not apply to the following: (a) Boilers under the jurisdiction or inspection of the United States Government. (b) Boilers used exclusively in household service. (c) Automobile boilers and boilers used exclusively to operate highway vehicles.

(d) Boilers on which the pressure does not exceed fifteen (15) pounds per square inch.

SECTION 1108. Fire Protection. The latest edition of the National Fire Code of the National Fire Protection Association shall be adopted as the generally recognized standard for the provision, design and construction of fire protection facilities for buildings, structures, and appurtenances thereto, and electrical and mechanical installations in the Northern Mariana Islands.

SECTION 1109. Discretion to Adapt to Circumstances. It is recognized that certain provisions of the National Codes adopted in this Chapter may be unduly restrictive, inapplicable or inappropriate in the Northern Mariana Islands. Accordingly the Director of Public Works is empowered to vary or modify the application of any provision of this Chapter or of any regulation adopted pursuant thereto; consonant with the spirit and intent of the Law at his initiative after thorough and careful study or upon application by a citizen of the Northern Mariana Islands under any of the following conditions:

(a) When there are practical difficulties involved in carrying out the provisions of this Chapter or regulations adopted pursuant thereto; or

(b) When the proposed variation or modification is needed to accommodate circumstances unique to the Northern Mariana Islands or any of its political subdivisions; or

(c) Where the proposed variation or modification will not substantially and adversely affect the structural integrity, health and safety aspects or the specific intent designed to

be achieved by the provisions of this Chapter or of any regulation adopted pursuant thereto.

The modification, variation or revision of any provision of this Chapter or regulation adopted pursuant thereto shall be promulgated in accord with Sections 1014 and 1015 of Chapter I of this Law.

SECTION 1110. Additional Requirements. The Director of Public Works may promulgate procedures, rules, regulations and standards in addition to the provisions of the National Codes adopted in this Chapter to adapt to or accommodate circumstances or materials not covered by such codes. Such procedures, rules, regulations and standards shall be promulgated in accord with Sections 1014 and 1015 of Chapter I of this Law.

NORTHERN MARIANAS PLANNING COMMISSION

AN ACT TO ESTABLISH THE COMMONWEALTH OF THE
NORTHERN MARIANAS PLANNING COMMISSION

ARTICLE 1.0 GENERAL

SECTION 1.10 Commonwealth of the Northern Marianas Planning

Commission. There is hereby established within the government of the Northern Mariana Islands the "Commonwealth of the Northern Marianas Planning Commission." The Commission shall be composed of seven (7) members to be appointed by the Governor by and with the advice and consent of the Northern Mariana Islands Commonwealth Legislature. Members of the Commission shall be appointed for terms of five years provided however, that, for the original Commission one (1) member be appointed to serve for one (1) year, two (2) members to be appointed to serve for two (2) years, two (2) members be appointed to serve for three (3) years and the remaining two (2) members be appointed to serve for terms of five (5) years, as designated by the Governor. The Governor shall appoint a member of the Commission to serve as Chairman.

SECTION 1.20 Executive Secretary. The Director of the Planning and Budget office shall be Executive Secretary to the Commission.

SECTION 1.30 Personnel. The Planning and Budget office shall provide the Commission with such technical and clerical personnel and office facilities as may be reasonable and necessary for carrying out the provisions of this Bill.

SECTION 1.40 Compensation. Members of the Commission shall receive no compensation as such for duties prescribe by this Act, but shall be reimbursed for their reasonable and necessary travel and incidental expenses incurred in the course of their official duties as certified by the Treasurer of the Government of the Northern Mariana Islands.

SECTION 1.50 Rules. The Commission is authorized to make reasonable rules not inconsistent with the provisions of this Act for the conduct of its business.

ARTICLE 2.0 SPECIFIC FUNCTIONS AND DUTIES

SECTION 2.1 Prepare and Adopt a Comprehensive Plan. It shall be the function and duty of the Commission to prepare and adopt a comprehensive, long-term general plan for the physical and economic land development of the Northern Mariana Islands. Such plan shall be known as the "Master Plan" and shall be prepared with a view towards its utilization as a basis for the physical and economic development of the Northern Mariana Islands.

Section 2.11 Elements of the "Master Plan". The elements of the Master Plan are:

Section 2.111 Land Use Plan - An inventory and classification of natural land type and of existing land cover and uses, and comprehensive plans for the most desirable utilizations of land.

Section 2.112 Public Facilities - Showing the location of and arrangements of the civic centers and all other existing and proposed Public Buildings.

Section 2.113 Public Utilities - Master Plans for the improvements of all major public utilities including Water, Sewer, Power, Drainage, Solid Waste, and other related utilities.

Section 2.114 Transportation - Master Plans for Air, Sea and Land transportation systems

Section 2.114 Other Reports - The Commission may adopt as part of the Master Plan other and additional plans and reports dealing with other subjects as the Commission may in its judgement relate to the physical and economic development of the Northern Mariana Islands.

SECTION 2.20 Master Plan Hearing. Before adopting the Master Plan or any part of it, or any substantial amendment thereof; the Commission shall hold at least one (1) public hearing, notice of time and place of which shall be given in the Northern Marianas Register, and by at least one publication in a newspaper of general circulation in the Northern Mariana Islands at least 14 days before the date of said hearing.

SECTION 2.30 Master Plan Submission. The Commission shall adopt and submit to the Governor for approval and transmittal to the Northern Mariana Islands Commonwealth Legislature, such a Master Plan as is described in this Act at the first opportunity that such a plan is deemed by the Commission to

be comprehensive enough to provide a guide for the long range (seven to ten years) physical and economic development of the Northern Mariana Islands. After submission of the initial Master Plan as provided above, the Commission shall continue to carry out the duties prescribed for them in this Act with a view to completing said Master Plan in all aspects, and for the express purpose of revising and amending said Master Plan whenever and however the Commission deems necessary.

SECTION 3.0 Reporting. The Commission shall prepare an annual report of its activities for the past year (calendar year) and such report shall be submitted to the Governor no later than the 15th of January and, as he may deem necessary, the Governor may make recommendations pursuant thereto to the next regular session of the Northern Mariana Islands Commonwealth Legislature.

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